

ALASKA LEGISLATURE COMMITTEE FILES

1983-1984

2958

HSA

HB 279 - HB 301

2958

UTAH  
RETIREMENT PLAN

Judges Covered: Supreme, district, full-time city courts and juvenile court judges.

Age and Service Requirements: 70 with 6 years' service; 65 with 10. Mandatory retirement for trial judges at 70, supreme court justices at 72; except, any judges serving on a term on May 13, 1969 may complete the term.

Contribution to Retirement Fund: Judges of supreme, district and juvenile courts do not contribute; state makes entire contribution. Cities may contribute on behalf of their city-court judges. All contribute 2 percent to cover one-half of cost-of-living increment. Total state contribution figure not available.

Retirement Benefits: 1. If 65 with 10 years of judicial service, 3 percent of average final salary (computed from highest 3-year period) times years' service (limited to 10) plus 2 percent average final salary times years greater than 10 but less than 20 plus 1 percent of average final salary times years greater than 20, with actuarial reduction.

2. If 70 with 6, same but no actuarial reduction. In either case, reduced by Social Security payments, limited to a maximum reduction of \$120 per month, with 2 percent average final salary minimum allowance safeguard if number of years served is less than 10. Cost-of-living adjustment to a maximum of 4 percent; can be reduced if index falls; base: July 1, 1973.

3. In lieu of the above benefits, if a judge has reached age 65 and has 10 or more years of judicial service credit, may elect to receive a monthly retirement allowance equal to 2.5 percent of final average monthly salary times the number of years of judicial service credit (not to exceed 10 years) plus 2 percent of his final average monthly salary times the number of years of judicial service credited over 20 years.

Death Benefits: Prior to retirement either 1. A refund of contributions, including interest, plus 50 percent average final salary (see Retirement Benefits).

2. Monthly widow's allowance equal to 50 percent normal retirement benefits, not to exceed amount paid had judge lived to be 70; after retirement widow receives 50 percent judge's pension unless she is younger than the judge, then annuity shall be an actuarial equivalent.

Disability Benefits: Line-of-duty: 50 percent average final salary (see Retirement Benefits), less 50 percent Social Security disability payments; Ordinary: Service retirement formula - disregarding minimum years and early retirement deductions - less 50 percent any Social Security disability

UTAH

Continued

payments; with at least 5 years' service, then benefits shall not be less than 20 percent average final salary less Social Security disability payments.

Service after Retirement: Chief justice, assignment justice of supreme court, or presiding judge of city court may request service on supreme court, district court and city court; respectively on a case by case basis, from retired members with 10 years' service; reimbursement is an active judge's per diem rate less pension, plus travel and subsistence allowances. The court administrator, with the consent of the chief judge and with the consent of retired justices of the supreme court, or retired judges of the district, juvenile or city courts, may call judge to serve temporarily as a district judge. The supreme court also possesses the power to call a retired district judge to sit on the supreme court to hear a particular case.

Citation: 5B Utah Code Ann., Tit. 49, ch. 7a, Utah Judge's Retirement Act, §§1-30, (1973 Supp. and 1974 Interim Supp.); Court Administrator Act (78-3-18); House Bill #19.

VERMONT

RETIREMENT PLAN

Judges Covered: All judges whose salaries are paid by state.

Age and Service Requirements: Normal; 65 with any length service or 62 with 30 years service. Early retirement, with reduced benefits: 55 with 13 or any age after 30 years. Credit given for military and state service. Mandatory retirement at 70.

Contribution to Retirement Fund: Individual judge contributes 5 percent salary. Relative contributions of judges and state: 40% / 60%. Total yearly contribution from all judges--\$40,170; from state--\$58,808.

Retirement Benefits: Supreme, superior, district, and probate judges receive allowance according to their years of service: from 40 percent of salary at retirement to full salary, with 12 to 30 years' service respectively. For each year of service after 12, 3.3 percent of salary at retirement is added. With less than 12, 1.66 percent times average final salary (i.e., average of 5 highest salaries years) times years' service.

Death Benefits: A choice of 4 optional modifications is available with additional benefits accruing to designated heirs. If death occurs before retirement and after judge has completed 12 years' service, dependent beneficiary is entitled to a monthly benefit for life.

Disability Benefits: Accidental and occupationally related disability retirement: normal retirement allowance if normal retirement reached. Otherwise, computed on basis of compensation at time of retirement and number years would have completed had he remained in service to normal retirement, times ratio of years served to years would have served. Minimum of 25 percent of average final compensation, or, if larger, the benefit accrued to date of disability plus the additional allowance in the case of supreme, superior, district and probate judges.

Service after Retirement: No specific provision.

Citation: 1 Vt. Stat. Ann., Tit. 3, ch. 16, Vermont Employees Retirement System, §§455-477, (1973 Supp.).

## VIRGINIA

### RETIREMENT PLAN

Judges Covered: Justices and judges of courts of record, district court judges, and executive secretary of the supreme court (if such secretary assumed position after July 1, 1974).

Age and Service Requirements: Normal retirement at 65; early retirement at 60. Deferred retirement after 5 years' service for members honorably terminating service. Credit for legislative, military, and in some cases, service as substitute district judge. Mandatory retirement for judges is age 70.

Contribution to Retirement Fund: Individual judge contributes 5 percent of salary (effective July 1, 1974). If member of another system prior to July 1, 1970, contribution rate of that system applicable. Relative contributions from judges and state: 9.6% / 90.4%. Total yearly contribution from all judges--\$355,070; from state--\$3,122,864.

Retirement Benefits: Definition. Average Final Salary: average annual creditable compensation of member during his 36 highest consecutive months of actual service. Benefits are the larger of:

1. 1.5 percent average final salary times number of years' service, or
2. 1.65 percent average final salary minus \$1,200 times number of years' service; maximum provisos: 1) for those retiring after July 1, 1974, benefits (i.e., retirement plus 50 percent primary Social Security benefits at 65) not to exceed average final salary and 2) total benefits not to exceed 75 percent average final salary.

Early retirement: same as normal retirement (years and compensation computed on basis of date of retirement) except actuarially reduced if under 30 years' service, maximum 75 percent average final salary. Options available: straight life, actuarial equivalent, Social Security and joint and last survivor. Cost-of-living increases approved in relation to consumer price movements and are reviewed biannually.

Death Benefits: Before retirement and compensation under Virginia's Workmen's Compensation Act: Total benefits (includes death allowance, 50 percent Social Security allowance and Workmen's Compensation) must equal 50 percent average final salary; payable to widow, children under 18 or to surviving parents. Before retirement but not covered by Workmen's Compensation:

1. Benefits payable to spouse or parent.
- 2a. If 30 years' service or age 60, 50 percent eligible benefits (if dies before 65) to spouse, mother or father for their lifetime.

VIRGINIA

Continued

2b. If dies before 60 and with 30 years' service, benefits are actuarially reduced and payable to spouse or parents.

2c. If dies before 60 without 30 years' service, contributions refunded to beneficiaries.

2d. If dies after 65, spouse or parents eligible for 100 percent survivor annuity; death after retirement: excess of contributions returned to designated person or to estate unless relevant survivor option was elected.

Disability Benefits: With 5 years' service, the larger of 1) 1.5 percent average final salary or 2) 1.65 percent minus \$1,200, times the smaller of 1) twice number of years of service or 2) the number of year's service had disabled member worked to age 60; reduced by amount of Workmen's Compensation benefits. Minimum guarantee for normal disability, benefits (allowance plus 50 percent primary Social Security) must equal 25 percent average final salary; minimum guarantee for Workmen's Compensation disability, benefits (allowance plus 50 percent primary Social Security) must equal 2/3 average final salary.

Service after Retirement: Chief justice may authorize retired judge to undertake judicial duties, with judge's consent, in court of record for period not greater than 90 days at any one time. Reimbursed for expense, plus per diem of \$75.

Citation: 7A Code of Virginia, ch. 7, §§51-160 through 51-180.

WASHINGTON

RETIREMENT PLAN

Judges Covered: All judges of courts of record.

Age and Service Requirements: Normal retirement, age 60 with 15 years service; early retirement with 10 years. Reduced benefits after involuntary retirement with 12 years service. Benefits do not commence until age 60 and 15 years after beginning judicial service. Mandatory retirement at 75.

Contribution to Retirement Fund: Individual judge contributes 7.5 percent of salary. Relative contributions from judges and state: 50% / 50%. Total yearly contribution from all judges--\$275,736; from state--\$275,736.

Retirement Benefits: With 15 years service, 3.5 percent average final salary times years' service; with 10 years, 3 percent average final salary times years of service. Maximum 75 percent average final salary excepting cost-of-living increase. (Average final salary: 1) for judge in same court minimum 2 consecutive months preceding retirement, judge's salary at retirement; 2) for other judges, average monthly salary over highest 24-month period in last 10 years service.) Must serve 12 years for partial retirement: ratio of years served per 18, times normal retirement allowance. Cost-of-living adjustments. Judges who serve more than 18 years receive additional 1/18 salary for each year over 18, maximum 75 percent of salary at time of retirement.

Death Benefits: Death before retirement: If 10 years service, 50 percent benefits entitled to as if retired at time of death; minimum guarantee 25 percent average final salary. Death after retirement: 50 percent retirement allowance. If spouse works and earns more than 50 percent of allowance, benefits reduced by excess. Benefits cease if spouse remarries.

Disability Benefits: Any age with 10 years' service; benefits 50 percent average final salary.

Service after Retirement: Majority of supreme court may appoint retired judge as judge pro tem of supreme court. Compensation: travel costs and allowance plus salary of last court served reduced by retirement benefits. Chief justice of supreme court may appoint retired judge as judge pro tem of court of appeals, not to serve more than 90 days per year. Compensation: travel and living expenses, plus 60 percent of 1/250 salary of court of appeals judge; salary and retirement benefits not to exceed annual salary of full-time judge. Retired judges pro tem of superior court receive 60 percent of 1/250 salary of superior court judge.

Citation: Revised Code of Wash., Tit. 2, ch. 2.10, Judicial Retirement System, §§2.10-2.10220 (1973 Supp.).

WISCONSIN  
RETIREMENT PLAN

Judges Covered: Supreme circuit and county courts.

Age and Service Requirements: Minimum age is 55 provided member has enough credits to provide an annuity of \$10 per month. Normal retirement date is 62. Compulsory retirement for supreme, circuit and county court judges is no later than July 31 following attainment of age 70. Credit for service as elected official; all service for which retirement contributions have been made; plus creditable service not to exceed four years for service in the armed forces for any participant with creditable state service of more than 20 years, exclusive of period in the armed forces.

Contributions to Retirement Fund: Individual judge contributes 5.5 percent of salary. Relative contributions for the fund by judges and state: 12% / 88%. Total yearly contribution from all judges--\$59,700; from state--\$431,282.

Retirement Benefits: Definition. Formula final earnings: average of three highest salaried years; or 1/12 of the annual salary payable to participant during last completed month is not prohibited by law from receiving an increase in such salary during his term of office. Normal benefits, if judge elected by vote of the people, 1.6 percent of formula final rate of earnings times years' service, plus .2 percent of his final excess OASDHI earnings times years' service. Cost-of-living retirement-benefits-increase-study report to be made to 1975 legislature. (Ch. 336, §9).

Death Benefits: Option for 75 percent of deceased's annuity to be payable to judge's widow or minor children if the amount of the benefit is sufficient to provide an annuity of \$25 per month; payable as annuity or single sum payment.

Disability Benefits: Any age prior to age 62 with 5 years participation in the retirement program or immediately if disability is occupationally incurred. Benefits are greater if:

1. Disability annuity computed like normal retirement benefit except service credit computed as though disabled member had served until age 62.
2. Less of 50 percent of average monthly earnings during the 3 highest salaried years or 1.8 percent of formula final rate of earnings times years creditable service computed as though member has reached age 72. Disable may receive Social Security benefits if he does not earn more than \$2,000 annually.

Service after Retirement: Retired supreme, circuit and county judges may serve as circuit judges upon assignment by chief justice; compensation is \$90 per day plus expenses.

WISCONSIN

Continued

Citation: 6 West's Wis. Stat. Ann., Tit. VI-A, §§41.01-41-47 (1974-75 Supp.);  
ch. 337 1973-75 Biennial Session Law; ch. 288, 1973-75 Biennial Session Laws.

WYOMING  
RETIREMENT PLAN

Judges Covered: Supreme and district court.

Age and Service Requirements: A. 18 years; service.

B. Age 65 with 15.

C. Age 70 with 12.

D. 65 with 6 consecutive years on either or both supreme court and district courts at reduced pension. Benefits void if judge doesn't resign at 70.

Contribution to Retirement Fund: Retirement benefits paid wholly from state's general fund. Judges do not contribute.

Retirement Benefits: 50 percent current salary of office from which judge retires, except that judges retiring pursuant to D above will receive a pension computed by multiplying 1/2 their salary times a ratio of number of years service to 18.

Death Benefits: None.

Disability Benefits: None.

Service after Retirement: Any retired justice or retired district judge not practicing law may, with his consent, be assigned by a district court judge to serve on any court.

Citation: Wyo. Stat. 1957, Tit. 5, ch. 1, §5-4 as amended through laws 1973, ch. 5, §5-47.

Personal

On HB 279 -- "An Act authorizing participation by magistrates in the judicial retirement system; and providing for an effective date."

FOR REP. MITCH ABOOD, Chairman, State Affairs, ONLY

1--Attached to your copy (not to others) is a letter to Rep. Bussell from Barbara McFarland, Magistrate at Healy for many years and now also a magistrate at Nenana, giving her full-time status.

She points out some favorable reasons, in a very general way.

2--Next is fiscal note prepared by Rick Barrier, fiscal officer for court system. Seems to me \$625,000 is a bit high, but then I did not prepare it--and considering medical and insurance benefits plus what state pays into system--I won't quibble with it.

3--Next is letter from Linda Hartshorn, a full-time Magistrate at Wrangell, until recently the secretary-treasurer of the Magistrates Association, I think.

She wrote Senator Zeigler, who introduced SB 20, companion to HB 279. Her delineation is good, of case law, statutes and rules showing Magistrates have equal jurisdiction with District Court Judges, with the exception of the final statute that excludes them from participation in retirement system.

Of course, there are sometimes "bad apples" appointed, but that's true in any system and if a Magistrate just doesn't work out he/she is fired. Unlike all other judicial officers, the 53 or so Magistrates are NOT appointed by the Governor, but by the presiding judge of the judicial district, in each of the four judicial districts (That's Superior Court Judges Tom Schultz, Ketchikan, 1st District; Chas. Tunley, Nome, 2nd Dist.; Mark Rowland, Anchorage, 3rd Dist. and Gerald J. VanHoomisen, Fairbanks, Fourth District).

4--Next is a Supreme Court order of 1982 setting forth Magistrate pay levels.

5--Next, letter from Linda Hartshorn to all Magistrates, seeking support.

6--Next is a couple of pages naming magistrates (I think it's all there).

7--Finally, a list of current (?) officers of Association of Alaska Magistrates.

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all in all, I think it's a good bill. There are about 20 full-time Magistrates in the State and about 33 part-time. These latter would surely not constitute much of an impact. Even the full-time ones are hardly over-paid.

Their duties are about the same as District Court judges, in all respects as to criminal law...as to civil (Jurisdiction up to \$10,000 they have jurisdiction in Small Claims (up to \$2,000) and in claims larger (generally cited as "large claims") if the parties litigant in court permit the magistrate to hear the case. The parties litigant can request a District Judge instead, if they choose.

Reason for this is that Magistrates generally are not graduates of

*Bill - on part time full time pay & benefits*

some law school. However, they do participate in periodic training conferences, or seminars, somewhere in the state, like the one just finished in Anchorage, when the Senate Judiciary held a teleconference on SB20.

Historically, the Court System has been opposed, for only two reasons I've ever run across:

- (1) It would be too costly; (??) and
- (2) They aren't really "judges"--

As to (2), well, if one wears a black robe like a judge, walks like a judge, talks like judge, marries people like a judge does, sends criminals to jail like a judge does, conducts court like a judge, settles disputes like a judge---chances are, that one is a judge, even if the Court System doesn't like to admit it!!!  
(Specifically, even if the Magistrate has NOT attended law school)

Actually, many of the Magistrates, particularly the full-time ones, do as good a job as do some of the District Judges who have been to law school! They DO do their homework and know what they're about when interpreting, administering and working with the laws they have to work with.

In later years, there have been a number of persons appointed as Magistrates, who are graduates of law school. (All five in Anchorage, for example==particularly Paul Crowe, not a member of the Alaska Bar, but practiced law in Oklahoma for 30 years as a District Attorney and sent quite a number of convicts to the electric chair!. Then there are law graduates as Magistrates in Seward and Palmer at Least, I think in Kotzebue, in Kodiak (Brigitta McBride there went to law school in Germany before coming here, I understand).

As Linda's letter points out, Magistrates in one-judge locations are Masters of the Superior Court. (The Magistrate is the only judge in that location). As such, they hear children's proceedings, family court matters including divorces, and can be assigned other Superior Court functions. When that happens, the Magistrate does not make a formal decision, but rather, draw up tentative Findings of Fact and Conclusions of Law (just like any trial "judge" of other designation), and then the Superior Court Judge does the formal signature on the paperwork. That's a fairly heavy responsibility...In the days before so many created judgeships, when I traveled a lot, I've sat as a Master for the Superior Court in Kodiak, Cordova, and a few other places...I know from experience what Magistrates do when they are so assigned..I did it, and I was not a Magistrate, but a District Judge.

Magistrates are just as subject to harrassment and/or public approbation or dissatisfaction as are District Judges and Superior Court Judges. (Except they don't have to run for re-election; they just have to keep the Presiding Judge from getting angry enough at 'em to fire 'em!!)--Of course, Magistrates are responsible for filing land transactions (in recording districts), not all locations are recording districts), serving as coroner, issuing death certificates, marrying people or even issuing birth certificates or terminating parental relationship(as a Special Master of Superior Court), if required.--A GOOD bill !!x

Judiciary  
Referral



District Court  
State of Alaska



Healy, ALASKA

April 4, 1983

Representative Charlie Bussell, Chairperson  
House Judiciary  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Bussell:

Thank you for your time and efforts with reference to our tele-conference hearing on March 25th in Anchorage on Senate Bill 20 and House Bill 279, Judicial Retirement for Magistrates.

As you are well aware, we are all concerned and anxious for this bill to pass. We outlined a number of reasons at this hearing and I wish to again reiterate several items.

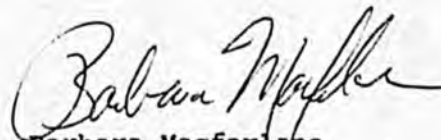
- #1. We are Judicial Officers of the Alaska Court System, I don't believe anyone can deny that.
- #2. We are dedicated to the State of Alaska and the Court System in that we work all hours of the day or night, meaning we are on call 24 hours of the day. No other State employee has this requirement, to my knowledge.
- #3. Because of our Judicial positions and the areas we serve, we and our families are set apart from others, meaning that we (and our families) are threatened, expected to be different and are not allowed in many cases the normal family life other people are able to enjoy.

Page 2  
April 4, 1983

I am sure that each of you are familiar with the Magistrate duties. However, if you haven't taken time to know at least one personally, I recommend you get to know them and how the system works and then you will be more aware of our situations.

Again, thank you for hearing us and hopefully you will support these bills.

Sincerely yours,



Barbara Macfarlane  
Magistrate  
Healy and Nenana

BM/mh

cc: Rep. John J. Liska, Vice-Chair  
Rep. Joe L. Hayes  
Rep. Ramona L. Barnes  
Rep. Hugh Malone  
Rep. Donald E. Clocksin  
Rep. Ron Wendte

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: HB 279  
 Title: Magistrate Retirement  
 Sponsor: \_\_\_\_\_  
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Alaska Court System  
 Program Category Affected: Justice  
 BRU, Program of Subprogram(s) Affected: Alaska Court System

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		625.2	625.2	625.2	625.2	625.2
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		625.2	625.2	625.2	625.2	625.2
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		625.2	625.2	625.2	625.2	625.2
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard P. Barrier, Deputy Admin. Director Phone: 264-0545  
 Division: Alaska Court System, Administration Date: 3/22/83  
 Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Department: \_\_\_\_\_

Distribution:

Original to Legislative Finance  
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 Copy to Department (for Governor introduced bills)  
 Copy to Sponsor  
 Copy to Requestor (if different from Sponsor)

3/8/83

ANALYSIS: HB 279

TITLE: Magistrate Retirement

The estimated fiscal impact of this bill was developed by the Division of Retirement & Benefits. While the Court System does not have the actuarial expertise to closely estimate the cost of this bill, the estimated costs appear reasonable based upon our experience with similar retirement programs. Furthermore, the Court System provided the information on the magistrates on which the actuarial computations were based.



## Trial Courts

State of Alaska

FIRST JUDICIAL DISTRICT  
P. O. BOX 869  
WRANGELL, ALASKA  
99929

March 10, 1983

Senator Robert H. Ziegler, Sr.  
pouch V  
Juneau, Alaska 99811

Dear Senator Ziegler:

Enclosed are copies of a letter and Senate Bill 20 which were sent to each magistrate in the state. I am also enclosing copies of the information received from Alaska Court System fiscal officer Bob Fisher and Supreme Court Order No. 544 relating to magistrate salaries.

It seems the lack of enthusiasm for this bill is based on the thought that magistrates are not judges, per se, and an aversion to the administrative paperwork which would inevitably follow passage of the bill. We feel we are judges and would hazard a guess that most persons who have come before us would be of the same opinion. In support of our stand we offer the following:

Buckalew v Holloway 604 P2d 240 (1979)

Alaska Supreme Court determination that magistrates are "judges" within the meaning of Article IV, Section 4 of the Alaska Constitution.

AS 22.15.020

Number of district court judges and magistrates listed for the district court of each judicial district.

AS 22.15.100 and 22.15.110

Lists functions, powers and additional duties of district court judges and magistrates.

AS 22.15.120

Limitations on proceedings which a magistrate may hear.

AS 22.15.220(c)

Requirement that district judges and magistrates must file an affidavit monthly to receive salary.

AS 22.15.240

Appeals from magistrate judgments are handled the same as those from a district court judge judgment.

Senator Robert H. Ziegler, Sr.  
March 10, 1983  
Page Two

AS 22.20.010

Judicial officer defined. "The term 'judicial officer' means a supreme court justice, including the chief justice, a judge of the court of appeals, a judge of the superior court, a district court judge and a magistrate."

Criminal Rule 56(b)

Definitions. "Magistrate" includes magistrates, district court judges, superior court judges and any other judicial officer authorized by law to conduct a preliminary examination of a person accused of a crime.

Administrative Rule 21(b)

Requirement of magistrate to wear black judicial robe as do all other judges.

Administrative Rule 24(f)

Assignment of Judicial Officer. "In this rule, 'judicial officer' means a superior court judge, district court judge or magistrate."

Administrative Rule 28(b)

Judicial vacations and leave outlined for district court judges and magistrates.

AS 22.25.010(g)

Magistrates not included as "judges" under the judicial retirement system.

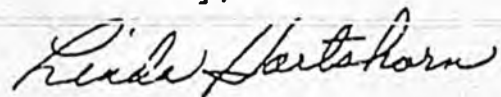
The last citation is the only one which excludes magistrates as judges. We feel the duties we perform are those of a district court judge with some jurisdictional limitations. We are on 24-hour call, as required by statute and rule, to perform "judicial" functions. Many of us sit as masters in superior court matters and are standing masters in children's cases.

I have copied those sections of the statutes and rules pertaining to jurisdiction, duties, etc., and would make these available to you if you so desire.

Mr. Van Doran has agreed to supply me with a copy of the fiscal note on this bill as soon as your office receives it. I spoke with Bob Fisher yesterday and he said the fiscal note should be in Juneau by tomorrow.

Thank you for your continued support of the magistrates.

Sincerely,



Linda Hartshorn  
Magistrate

THE SUPREME COURT OF THE STATE OF ALASKA  
ORDER NO. 544

Relating to Magistrate  
Salaries.

IT IS ORDERED:

Supreme Court Order No. 451 is rescinded and the following is adopted as the magistrate salary schedule:

1. There are established six salary levels for magistrate posts. The base annual salary for each level is as follows:

Magistrate I	\$10,161
Magistrate II	\$14,335
Magistrate III	\$20,430
Magistrate IV	\$31,291
Magistrate V	\$39,832
Magistrate VI	\$46,476

Geographic cost of living adjustments shall be provided in accordance with applicable statutes.

2. Each magistrate location has been assigned to a salary level based on the number of hours which the court system expects the magistrate at that location to work in order to accomplish the estimated court workload at that location. The minimum number of hours of work required of the magistrates in each salary level are as follows:

<u>Salary Level</u>	<u>Hours Per Week (annual average)</u>
Magistrate I	15
Magistrate II	20
Magistrate III	27.5
Magistrate IV	37.5
Magistrate V	37.5
Magistrate VI	37.5

This is an annual average of the weekly work hours. Seasonal variations in workload at certain locations will require the magistrates at those locations to work longer hours during some parts of the year and shorter hours during other parts of the year.

The salaries listed in section 1. above are for the number of hours per week listed in section 2. plus 24-hour on-call availability for emergencies. These salaries also include compensation for full-time attendance at all required training courses.

3. Magistrate positions are allocated to the salary levels as follows:

<u>Magistrate VI</u>		
Kenai	Kodiak	Palmer
<u>Magistrate V</u>		
Glennallen	Seward	Sitka

Magistrate IV

Barrow	Haines	Tok
Bethel	Kotzebue	Unalaska
Cordova	Nenana/Healy	Wrangell
Craig	Nome	
Dillingham	Petersburg	

Magistrate III

Cold Bay	Hoonah
Ft. Yukon	Naknek
Galena	Yakutat

Magistrate II

Aniak	Selawik	Skagway
Delta Jct.	Soldovia	

Magistrate I

Angoon	Kiana	Pt. Hope	Shungnak
Emmonak	McGrath	Sand Point	Tununak
Gambell	Mekoryuk	Savoonga	Unalakleet
Hooper Lay	Mt. Village	St. Mary	Whittier
Kake	Noo	St. Paul Island	

4. Step increases.

A. Frequency and amount.

All magistrates are eligible for step increases of 3.5% annually for the first five years of their service. The procedure for granting step increases shall be patterned after that which applies to classified employees except that part-time magistrates will not be required to work 1,950 hours before being eligible to receive an annual raise. There will be a total of five steps of annual increases followed by longevity steps after the seventh, ninth, fourteenth and eighteenth years of continuous employment at one salary level.

If a magistrate's salary level is raised, the magistrate's salary step within the higher level will be determined by the same method used for classified employees (see Personnel Rule 6.02.03).

B. Criteria for receiving step increases.

1. Tenure - one year.
2. Written approval by presiding judge stating that the magistrate is performing adequately.
3. Passing scores on all correspondence courses required for that level in that region of the state (required by either the presiding judge or the administrative director).

4. For Magistrates I through V: written verification by the presiding judge that the following are being adequately maintained:
  - a. dockets
  - b. indexes
  - c. library books (that is, that the Statutes, Administrative Code and Rules are kept up to date)
  - d. case files and the case numbering system
  - e. tape recordings of formal hearings and the binder for duplicate copies of all log notus
  - f. accounting records (receipts, revenue deposits, trust deposits, trust checks and proper recording of all accounting data on the case dockets)

C. Implementation.

All magistrates who are in office on January 1, 1981 will start at Step A of their designated salary level. The anniversary date for all such magistrates will be January 16. The anniversary date of all magistrates hired or promoted after January 1, 1981 will be the 16th of the month following their date of hire or promotion.

5. Review of Classification.

All magistrate positions shall be reviewed annually by the director of personnel to assure correct classification. These reviews shall be based on statistical evaluation of duties accomplished by each magistrate. The magistrate salary at every location must be re-evaluated by the director of personnel whenever a vacancy occurs. Vacancies may not be advertised until the salary for that position has been re-evaluated and any recommended changes for reclassification of the position have been approved by the chief justice.

6. Change in Classification.

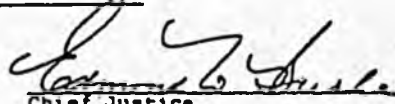
The director of personnel shall recommend to the chief justice salary increases based upon reclassification of magistrate positions after first conferring with the area court administrator and the presiding judge of the judicial district in which the magistrate is located. The director of personnel shall recommend to the chief justice that a magistrate position be refilled at a lower level upon the position becoming vacant, after first conferring with the area court administrator and presiding judge for that judicial district.

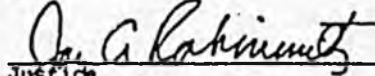
7. Compensation for part-time magistrates asked to do extra work.

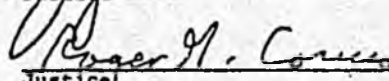
If a part-time magistrate (Levels I, II and III) is asked to serve in another court location to replace another magistrate or a district court judge for a period of time, the part-time magistrate must receive compensation for the additional hours worked.

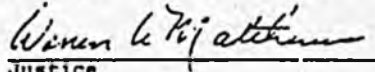
DATED: September 24, 1982

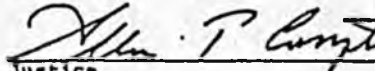
EFFECTIVE DATE: March 16, 1982

  
Chief Justice

  
Justice

  
Justice

  
Justice

  
Justice

March 9, 1983

Dear Fellow Magistrates:

As most of you know, the Association of Alaska Magistrates has had a bill in the legislature the past several years to include magistrates in the Judicial Retirement System. Senator Robert Ziegler has introduced Senate Bill 20 in the thirteenth legislature on our behalf. A copy of that bill is enclosed for your information.

The contribution rate under the Judicial Retirement System (JRS) is 7% as compared to the 4.25% we currently pay under the Public Employees Retirement System (PERS). Under SB 20, to receive credit for service as a magistrate prior to July 1, 1983, the magistrate must:

- 1) withdraw from PERS
- 2) receive a refund of contributions under PERS
- 3) elect to receive credit for service prior to July 1, 1983, and
- 4) make retroactive contributions for service as a magistrate after January 3, 1959.

Retroactive contributions may be set up as a payroll deduction over a reasonable period of time.

Following is my understanding of the differences between PERS as outlined in AS 39.35 and JRS as outlined in AS 22.25:

PERS - Contribution rate is 4.25% of base salary

Benefits paid:

- 1) Age 55 with 5 years of service; or
- 2) 30 years of service; or
- 3) Early retirement at 50 years of age and 5 years of service with adjustment for early retirement

Computation of benefits:

2% of average monthly wage for 3 high years times years of service  
PLUS COLA (if remain in Alaska) of \$50.00 or 10% of the benefit, whichever is greater  
PLUS medical insurance coverage

JRS - Contribution rate is 7% of base salary

Benefits paid:

- 1) Mandatory retirement at 70 years of age
- 2) Age 60 with 5 years of service
- 3) Early retirement at 55 years of age or 20 years of service with adjustment for early retirement

Computation of benefits:

5% for each year of service (up to 15 years or 75%) times base monthly wage paid incumbents at the time of the benefit payment  
PLUS medical insurance coverage

Please read the statutes cited above for further information on the two plans.

Examples of approximate monthly retirement benefits based on 5 years of service and current base monthly salaries are:

		PEIS	JRS
Magistrate I	(15 hours/week)	\$ 84.60	\$211.50
Magistrate II	(20 hours/week)	119.40	298.50
Magistrate III	(27.5 hours/week)	170.20	425.50
Magistrate IV	(37.5 hours/week)	260.70	651.75
Magistrate V	(37.5 hours/week)	331.90	829.75
Magistrate VI	(37.5 hours/week)	387.30	968.25

The information provided to me indicates that the average age of the magistrates is 42 years with an average length of service of 6.83 years. There are 49 positions authorized by Supreme Court Order No. 544 and they are distributed as follows:

Magistrate I	19
Magistrate II	5
Magistrate III	6
Magistrate IV	13
Magistrate V	3
Magistrate VI	3

The Senate Judiciary Committee has set up a teleconference with the magistrates at 11:30 A.M. on March 25, 1983 in Anchorage. They will hear testimony at that time from one or two magistrates but we ask that everyone attend, if possible. This was coordinated at our request and will determine if Senate Bill 20 goes from the Judiciary to the Finance Committee with a "do pass" recommendation.

We will have a meeting of the Association of Alaska Magistrates in the early part of the conference week and can discuss the issue further at that time. Please jot down any other issues you wish to discuss.

I look forward to seeing all of you at the conference. It promises to be a good experience with varied topics and beneficial discussion periods.

Sincerely,



Linda Hartshorn  
Secretary/Treasurer  
Association of Alaska Magistrates

PN	CLASS	BOOK						
418109	XL17	AKA	MAGISTRATE IV	HANSON	2,793	33,516	9.50	
418111	XU14	AKB	MAGISTRATE IV	HARTSHORN	2,793	33,516	10.00	
418110	XL17	AKA	MAGISTRATE IV	REDEKER	2,793	33,516	5.70	
418101	XU10	AEA	MAGISTRATE III	DENNIS	1,762	21,144	4.50	
418102	XL14	CRB	MAGISTRATE IV	HEINMILLER	2,687	34,644	14.70	
418103	XU10	AWA	MAGISTRATE III	SAVLAND	1,885	22,020	11.00	
418104	XU10	AKR	MAGISTRATE I	CHENEY	907	10,884	2.50	
418105	XU10	ARK	MAGISTRATE I	VACANT	907	10,884		
418106	XU17	CKA	MAGISTRATE II	WURLEY	1,322	15,864	3.10	
418107	XU17	CJA	MAGISTRATE II	GALLAGHER	1,322	15,864	4.30	
418108	XU10	ARD	MAGISTRATE I	HOWARD	907	10,884	2.10	
412015	XU17	HIA	MAGISTRATE IV	VACANT	3,105	37,260		
418201	XU14	MEA	MAGISTRATE IV	CRUSS	3,429	41,148	5.50	
418202	XU14	KAA	MAGISTRATE IV	SINKEY	3,429	41,148		
418203	XU10	JWB	MAGISTRATE I	VACANT	1,152	13,824		
418204	XU10	EWG	MAGISTRATE I	KAMERUFF	1,121	13,452	11.70	
418205	XL10	MJA	MAGISTRATE I	APANGALOOK	1,152	13,824	15.10	
418206	XU10	ESA	MAGISTRATE I	<del>NAPULET</del> <i>Naney</i>	1,152	13,824	7.00	
418207	XL10	KBU	MAGISTRATE I	HENRY	1,113	13,356	1.10	
418208	XL10	KBC	MAGISTRATE I	HARVEY	1,113	13,356	2.40	
418209	XU10	KYA	MAGISTRATE I	LISHOURNE	1,152	13,824	2.30	
418210	XU10	EWG	MAGISTRATE I	ANDREWS	1,121	13,452	5.90	
418211	XL10	HBB	MAGISTRATE I	GODOGERGEN	1,152	13,824	4.50	
418212	XL17	KBA	MAGISTRATE I	BALLOT	1,570	18,840	9.00	
418214	XL10	HUA	MAGISTRATE I	ANAGICK	1,152	13,824	5.30	
418215	XU10	LXA	MAGISTRATE I	VACANT <i>Arrest</i>	1,152	13,824		
418217	XL15	EWU	MAGISTRATE I	BEANS	1,121	13,452	11.20	
418218	XU10	KCA	MAGISTRATE I	DOUGLAS	1,152	13,824	1.10	
418310	XU15	CAA	MAGISTRATE VI	MCCBRIDE	4,289	51,468	1.90	
418302	XU15	UQA	MAGISTRATE VI	NICHOLAS	4,289	51,468	23.80	
418303	XL15	ECF	MAGISTRATE VI	JOHNSON	4,148	49,776	3.70	
418304	XU20	USA	MAGISTRATE V	PECK	3,070	44,122	7.50	
418309	XU14	DAA	MAGISTRATE IV	ASHMAN	3,246	39,952	9.00	
418307	XU10	DIA	MAGISTRATE III	HEIKER	2,193	26,316	10.50	
418308	XU15	DWA	MAGISTRATE IV	WENTWORTH	3,070	36,912	7.00	
418310	XU20	HCE	MAGISTRATE V	SPRECKER	3,916	46,992	11.90	
418312	XL10	LKA	MAGISTRATE III	SHANBACK	2,193	26,316	2.40	
418313	XU10	LEC	MAGISTRATE I	RUKUVISHNIKUFF	1,091	13,092	6.30	
418314	XU15	HSD	MAGISTRATE IV	HAKALA	1,091	13,092	4.30	
418315	XL10	CYA	MAGISTRATE I	KASHEVAROFF	1,332	15,984	2.10	
418317	XL10	DSH	MAGISTRATE I	HARRIS <i>Vacant</i>	905	11,580		
418319	XC20	DBC	MAGISTRATE I	VACANT	1,091	13,092		
418316	XU10	SEA	MAGISTRATE III	<i>Dozier</i>	3,360	40,320	2.50	

CN	CLASS	COURT	TITLE	INCUMBENT	RANGE/ STEP	MONTHLY SALARY	ANNUAL SALARY	SERVICE
402	X010	HJI	MAGISTRATE IV	MACFARLANE		3,429	41,148	8.50
414	X019	HIB	MAGISTRATE IV	LATHROP		3,076	36,912	9.40
404	X010	KJA	MAGISTRATE III	SMYTH		2,317	27,804	3.50
405	X010	HYC	MAGISTRATE III	JACKSON		2,238	26,856	1.40
403	X017	JJB	MAGISTRATE II	HARDING		2,518	30,216	9.50
8401	X017	EJB	MAGISTRATE II	MCMAHON		1,625	19,500	5.00
8406	X010	JRC	MAGISTRATE I	VACANT		1,113	13,356	
8407	X010	EZA	MAGISTRATE I	VACANT		1,113	13,356	
8408	X010	DHB	MAGISTRATE I	SMITH		1,121	13,452	5.50
8411	X010	UJA	MAGISTRATE I	VACANT		1,083	12,996	
8412	X010	JRU	MAGISTRATE I	VACANT		1,113	13,356	
8413	X010	LHU	MAGISTRATE I	LINCOLN		1,121	13,452	11.20
8423	X010	JKA	MAGISTRATE I	VACANT		1,113	13,356	

\* 1,315,424  
6.82 year average

Average age - 42 ye

ASSOCIATION OF ALASKA MAGISTRATES

BOARD MEMBERS

First District

Linda Hartshorn, Secretary/Treasurer  
Box 869  
Wrangell, Alaska 99929

874-2311 or 874-3989

Marilyn Hanson  
P.O. Box 910  
Sitka, Alaska 99835

747-6271

Second District

Marie Beans  
Box 211  
Mt. Village, Alaska 99672

591-2149

Lowell Magick  
Box 185  
Unalakleet, Alaska 99684

624-3015

Third District

Jess Nicholas  
Pouch I  
Kenai, Alaska 99611

283-3110

Sheldon Sprecker, President  
Box 86  
Glennallen, Alaska 99588

822-3405 or 822-3726

Brian Johnson  
Box 860  
Palmer, Alaska 99645

745-4284

Fourth District

Alice Lathrop  
Box 187  
Tok, Alaska 99780

883-5171

Barbara Macfarlane  
Box 41  
Healy, Alaska 99743

683-2213 or 683-2589

STATE OF ALASKA  
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: HB 279  
 Title: An Act Amending JRS and PERS  
 Sponsor: Bussell  
 Requestor: \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected: Alaska Court System  
 Program Category Affected: \_\_\_\_\_  
 BRU, Program of Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES		625.2	675.2	729.2	787.5	850.5
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
<b>TOTAL OPERATING</b>		625.2	675.2	729.2	787.5	850.5
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND		625.2	675.2	729.2	787.5	850.5
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL: ✓

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: J.K. Humphreys, Director Phone: 465-4460  
 Division: Retirement & Benefits Date: 4-8-83  
 Approved by Commissioner: Liss Rudd, Commissioner Date: 4-8-83  
 Department: Administration

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill, Resolution No. HB 279  
 Title An Act Authorizing Participation by Magistrates in the Judicial Retirement System  
 Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Alaska Court System  
 Program Category Affected \_\_\_\_\_  
 BRU, Program, or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
100 RETIREMENT BENEFITS		781.7	844.2	911.7	984.6	1,063.3
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
700 STATE TRS MATCHING						
<b>TOTAL</b>		781.7	844.2	911.7	984.6	1,063.3

FUNDING (Thousands of Dollars)

GENERAL FUND		781.7	844.2	911.7	984.6	1,063.3
FEDERAL FUNDS						
*OTHER FUNDS:						
PERS						
TRS						

\* 4% Veterans; 12% Fish & Game; 26% Highway; 58% Airport

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

- To fund this bill, the state cost would be 65.82% of the FY 84 covered payroll for magistrates.
- Estimate the FY 84 covered payroll of magistrates to be \$1,187,720.
- Estimate 46 magistrates with an average of 6.5 years service per member would be affected.

THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 279  
Title An Act Authorizing Participation by Magistrates in the Judicial Retirement System  
Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Alaska Court System

Program Category Affected \_\_\_\_\_

BRU, Program, or Subprogram(s) Affected \_\_\_\_\_

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
100 RETIREMENT BENEFITS		(156.5)	(169.0)	(182.5)	(197.1)	(212.9)
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
700 STATE TRS MATCHING						
<b>TOTAL</b>		<b>(156.5)</b>	<b>(169.0)</b>	<b>(182.5)</b>	<b>(197.1)</b>	<b>(212.9)</b>

FUNDING (Thousands of Dollars)

GENERAL FUND	(156.5)	(169.0)	(182.5)	(197.1)	(212.9)
FEDERAL FUNDS					
*OTHER FUNDS:					
PERS					
TRS					

\* 4% Veterans; 12% Fish & Game; 26% Highway; 58% Airport

POSITIONS

FULL TIME					
PART TIME					
TEMPORARY					

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

1. This bill would reduce the state cost to PERS by 13.18% of covered payroll for magistrates.
2. Estimate the FY 84 covered payroll of magistrates to be \$1,187,720.

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

DIVISION OF RETIREMENT & BENEFITS

POUCH CR

JUNEAU, ALASKA 99811

Public Employees' Retirement System  
Teachers' Retirement System  
Judicial Retirement System  
Elected Public Officers Retirement System  
National Guard Retirement System  
Territorial Retirement System  
Retirees' Voluntary Dental-Vision-Audio Plan  
Supplemental Benefits System  
Group Health/Life Insurance Benefits  
Deferred Compensation Plan  
Public Employers Social Security Contributions

Bill Sheffield, Governor

(907) 465-4460

April 20, 1983

Honorable Mitchell Abood, Jr.  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Representative Abood:

You have asked that I present an overview of the Public Employees' Retirement System (PERS) and the Judicial Retirement System (JRS) to the House State Affairs Committee on Thursday, April 21. I am writing this letter to provide some information to the committee in advance and to serve as a reference at the meeting. The attached chart shows the major differences between the two systems but some discussion is in order.

### General Overview

The PERS and JRS are both "defined benefit" plans; that is, the benefits to be provided are defined in statute and do not directly depend on the amount of contributions made by or on behalf of the employee. This is in contrast to a "defined contribution" plan such as the state's Supplemental Annuity Program (SBS) where the amount of the benefit an employee may receive at any given time is completely dependent on the balance in that employee's individual benefit account.

Both the PERS and the JRS are actuarially funded. Each year the actuary computes the amount, in addition to employee contributions, that will be required from the state to pay for benefits in the system. This is in contrast to pay-as-you-go systems such as social security where no real attempt is made to balance assets and liabilities; current benefits are paid out of current revenues on a year to year basis. Even if pay-as-you-go systems do not find themselves in real financial difficulty because of accumulating unfunded liabilities, they certainly pass the buck to future generations and often present a misleading picture of the costs. The object of actuarial funding is to pay for benefits as they accrue at a stable percentage of payroll and avoid the necessity of cutting benefits for future members or, in some cases, a bankrupt system which defaults on obligations.

The most significant differences between the PERS and JRS from a cost standpoint lie in post-retirement pension adjustments and benefit multipliers.

### Benefit Multiplier

The application of a benefit multiplier in determining a benefit is fairly straightforward. In the case of an "all other" member of the PERS, the monetary benefit is found by multiplying average monthly compensation times the number of years of credited service times 2%. For JRS members the multiplier is 5% instead of 2%, credited service is limited to 15 years, and, instead of a retiree's own average compensation, the benefit is based upon the current salary of office. For example, a PERS retiree with 10 years credited service would receive a monetary benefit equal to 20 percent of his average compensation and a JRS retiree with that same service would receive 50 percent of the current judicial salary.

### Vesting

Vesting describes the amount of service required to gain entitlement to a benefit. The vesting requirement in both the JRS and PERS is 5 years.

### Normal Retirement

PERS "all other" members who are vested may begin receiving normal retirement benefits at age 55 or at any age with 30 years of service. Vested JRS members must be 60 years old for normal retirement. In the PERS, a vested member may elect to receive an early retirement benefit at age 50; in the JRS a vested member may also elect to receive an early retirement benefit at age 55 or upon completing 20 years service as a justice or judge. In all of these cases, the benefit is actuarially reduced to reflect the longer period it will be received.

### Employee Contributions

Statutes require that PERS members contribute 4.25% (5% for police and fire) of their compensation to the retirement fund. JRS members hired after July 1, 1978 contribute 7% while those hired before that date are not required to contribute at all. Employee contributions earn a modest (4.5%) interest and are refundable to terminated employees.

### Employer Contributions

In FY 83 the state is contributing 104.78% of payroll to fund the JRS, 22.36% for PERS police and fire members, and 12.71% for "all other" PERS members. As mentioned earlier, this rate is determined by our actuary based on the assets, liabilities, membership and assumptions in each system. This is the amount required in addition to employee contributions to fund the benefits in the system. These rates are designed to fund not only the benefits of existing employees as they accrue, but also to amortize any unfunded liability in the system. Ideally, a system would be 100% funded and the assets would cover the liabilities if the system were discontinued. The high contribution rate in the JRS is a result of very generous benefits and also the fact that, prior to FY 82, the system was not actuarially funded.

### Nonmembership Service

Up to five years of military service may be claimed in the PERS (not in JRS) if the employee is vested and makes contributions of 6% of his current annual salary for each year claimed. JRS members are entitled to credit for service as a magistrate prior to July 1, 1967; contributions are not required for this service.

### Post-retirement Pension Adjustments (PRPA's)

In the JRS, PRPA's are automatic; any time judicial salaries are increased, the benefits of retired judges increase. In the PERS, adjustments are granted when the cost of living has increased and the condition of the fund permits. PRPA's in the PERS may not exceed the lesser of the increase in the cost of living or 4%.

Granting full, automatic cost of living increases is very expensive and, as mentioned before, is one of the main reasons the JRS is so much more costly than the PERS.

### Health Insurance

Both PERS and JRS benefit recipients automatically receive major medical coverage for themselves and their dependents. This is an important benefit which will cost the systems \$156.07 per month for each benefit recipient in FY 84. In addition, both PERS and JRS benefit recipients may elect group audio, visual and dental insurance on a self-pay basis.

### Summary

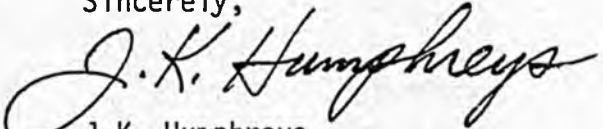
The benefits provided in the PERS are outstanding; however, as you can see, JRS benefits are far more generous and costly. The cost to the state for benefits that are accruing in the JRS is four to five times as great as it is in the PERS as a percentage of payroll. If one considers that average salaries in the JRS are more than double those in the PERS, the dollar cost for the average JRS member is at least eight to ten times as high.

There is no question that generous retirement benefits are desirable from an employee's viewpoint. They are a key element in total compensation. But it is important to strike a balance, realizing that the state as an employer must achieve its objectives of attracting and retaining qualified employees and be able to justify the cost.

Representative Abood  
April 20, 1983  
Page 4

I look forward to our meeting and will attempt to answer any questions you or the members of your committee may have at that time.

Sincerely,

A handwritten signature in cursive script that reads "J.K. Humphreys". The signature is written in dark ink and is positioned above the typed name and title.

J.K. Humphreys  
Director

JKH/sd

Attachment

cc: Members of the House State Affairs Committee  
Eleanor Andrews  
Rebecca Burch

State of Alaska  
 Public Employees' Retirement System/Judicial Retirement System  
 A Comparison - April, 1983

	PERS		JRS
	PO/F	All Other	
Benefit Multiplier	2% on years 1-10 2½% on years over 10	2%	5%
Vesting	5 years	5 years	5 years
Normal Retirement Age	55 w/5 years Service or 20 years PO/F	55 w/5 years Service Or 30 years	60 w/5 years Service
Employee Contributions	5%	4½%	7% for Judges Hired After 07/01/78 0% Judges Hired Before 7/01/78
Employer Contributions FY 83	22.36%	12.71%	104.78%
Nonmembership Service	Military (Max of 5 years)	Military (Max of 5 years)	Magistrate Pre-7/01/67
Post Retirement Pension Adjustments	Ad Hoc	Ad Hoc	Benefits Increase With Salaries
Health Insurance Coverage After Retirement	Yes	Yes	Yes



HB 279

Alaska Public  
Employees Association **APEA**  
State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

MEMORANDUM

**RECEIVED**  
APR 13 1983

**TO:** Representative Mitch Abood, Chairman  
House State Affairs Committee

**FROM:** Cherie Shelley, Executive Director  
Alaska Public Employees Association

Jean Krause, President  
National Education Association-Alaska

**SUBJECT:** SB 20

**DATE:** April 11, 1983

At a time when the cost of the various state-sponsored retirement systems is being closely scrutinized, the Alaska Public Employees Association and the National Education Association-Alaska cannot support legislation which will add another group of employees to the most lucrative retirement system available.

Unlike judges, magistrates seldom leave a high paying professional practice to serve in the courts. In fact, the qualifications of magistrates are quite simple:

A magistrate shall be a citizen of the United States and of the state, at least 21 years of age, and a resident of the state for at least six months immediately preceding appointment. The supreme court may prescribe additional qualifications. (AS.22.15.160.(b))

This bill is particularly expensive as the employer's rate of contribution will rise to 109.14% of covered payroll. The estimated additional cost of this legislation is \$625,000 in FY 84, \$675,000 in FY 85, and \$729,000 in FY 86.

Not only are the mandatory contributions to this system particularly high, the retirement benefits are equally generous.

A retired justice or judge eligible for retirement pay shall receive from the date of eligibility until death monthly compensation equal to five percent per year of service, to a maximum of 75 percent, of the monthly salary authorized for justices and judges respectively, at the time each retirement payment is made. (AS 22.25.020)

William M. Mercer, Inc., in an actuarial valuation of the Public Employees' Retirement System, estimated the unfunded liability owed by the State of Alaska to be \$75,563,548. as of June 30, 1981.

The inclusion of a small group of individuals in JRS at such high cost cannot be justified when other retirement systems have very large, unfunded liabilities.

CS/rb

HB279--"An Act authorizing participation by magistrates in the judicial retirement system; and providing for an effective date."

#### ANALYSIS

Sections 1 & 2--Simply add magistrates to the list that exists in those statutes now (Supreme Court Justice, Superior Court Judge and District Court Judge).

Section 3-----Permits magistrates to withdraw from present retirement system that covers all state employees (Title 39) and be reimbursed for what they've paid in, to date.

Section 4-----IF the magistrate then withdraws and receives such reimbursement, the magistrate can then get credit for all time previously served and come under the judicial retirement system PROVIDED the magistrate pays fully--that is, makes retroactive contribution to the system at the going rate. (Would pay 7% rather than 4.2% under Title 39). So, while the magistrate would receive a better retirement, he/she would have to pay the going rate of contributions.

(It would appear a magistrate could opt to continue under the regular state employees retirement system as set forth in Title 39).

The magistrate would have until June 30, 1984 to make that decision.

Section 5-----It appears the magistrate could opt to not receive the reimbursement by withdrawing and then coming under judicial retirement; rather he/she could choose to have the regular retirement under which magistrates are now covered, up to July 1, 1983, and then come under the judicial retirement system.

(Some magistrates may not want to pay for back years at the higher contribution rate, presumably).

Section 6-----Does not permit Magistrates who have already retired or who retire before June 30th of this year to come under the judicial retirement system.

Section 7-----Effective date clause.

*(from Judge Brewer)*

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: HB 279  
 Title: Magistrate Retirement  
 Sponsor: \_\_\_\_\_  
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Alaska Court System  
 Program Category Affected: Justice  
 BRU, Program of Subprogram(s) Affected: Alaska Court System

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES		625.2	625.2	625.2	625.2	625.2
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
<b>TOTAL OPERATING</b>		625.2	625.2	625.2	625.2	625.2
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND		625.2	625.2	625.2	625.2	625.2
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard P. Barrier, Deputy Admin. Director  
 Division: Alaska Court System, Administration

Phone: 264-0545  
 Date: 3/22/83

Approved by Commissioner: \_\_\_\_\_  
 Department: \_\_\_\_\_

Date: \_\_\_\_\_

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

ANALYSIS: HB 279

TITLE: Magistrate Retirement

The estimated fiscal impact of this bill was developed by the Division of Retirement & Benefits. While the Court System does not have the actuarial expertise to closely estimate the cost of this bill, the estimated costs appear reasonable based upon our experience with similar retirement programs. Furthermore, the Court System provided the information on the magistrates on which the actuarial computations were based.

22.15.100 DOCUMENT= 1 OF 1 PAGE = 1 OF 3  
CHAPTER = 22.15  
SECTION = 22.15.100  
TITLE = 22

HEADINGS TITLE 22.  
JUDICIARY.  
CHAPTER 15.  
DISTRICT COURTS.  
ARTICLE 1.  
DISTRICT JUDGES AND MAGISTRATES.  
CITATION SEC. 22.15.100.

ATCH LINE

EXT FUNCTIONS AND POWERS OF DISTRICT JUDGE AND MAGISTRATE.  
EACH DISTRICT JUDGE AND MAGISTRATE HAS THE POWER

- (1) TO ISSUE WRITS OF HABEAS CORPUS FOR THE PURPOSE OF INQUIRING INTO THE CAUSE OF RESTRAINT OF LIBERTY, RETURNABLE BEFORE A JUDGE OF THE SUPERIOR COURT, AND THE SAME PROCEEDINGS SHALL BE HAD ON THE WRIT AS IF IT HAD BEEN GRANTED BY THE SUPERIOR COURT JUDGE UNDER THE LAWS OF THE STATE IN SUCH CASES;
- (2) OF A NOTARY PUBLIC;

22.15.100 DOCUMENT= 1 OF 1 PAGE = 2 OF 3

- (3) TO ISSUE MARRIAGE LICENSES AND TO SOLEMNIZE MARRIAGES;
- (4) TO ISSUE WARRANTS OF ARREST, SUMMONS AND SEARCH WARRANTS ACCORDING TO MANNER AND PROCEDURE PRESCRIBED BY LAW AND THE SUPREME COURT;
- (5) TO ACT AS AN EXAMINING JUDGE OR MAGISTRATE IN PRELIMINARY EXAMINATIONS IN CRIMINAL PROCEEDINGS; TO SET, RECEIVE AND FORFEIT BAIL AND TO ORDER THE RELEASE OF DEFENDANTS UNDER BAIL;
- (6) TO ACT AS A REFEREE IN MATTERS AND ACTIONS REFERRED TO THE JUDGE OR MAGISTRATE BY THE SUPERIOR COURT, WITH ALL POWERS CONFERRED UPON REFEREES BY LAWS;
- (7) OF THE SUPERIOR COURT IN ALL RESPECTS INCLUDING BUT NOT LIMITED TO CONTEMPTS, ATTENDANCE OF WITNESSES AND BENCH WARRANTS;
- (8) TO ORDER THE TEMPORARY DETENTION OF A MINOR, OR TAKE OTHER ACTION AUTHORIZED BY LAW OR RULES OF PROCEDURE, IN CASES ARISING UNDER AS 47.10, WHEN THE MINOR IS IN A CONDITION OR SURROUNDING DANGEROUS OR INJURIOUS TO THE WELFARE OF THE MINOR OR OTHERS WHICH REQUIRES IMMEDIATE

22.15.100 DOCUMENT= 1 OF 1 PAGE = 3 OF 3

ACTION; THE ACTION MAY BE CONTINUED IN EFFECT UNTIL REVIEWED BY THE SUPERIOR COURT IN ACCORDANCE WITH RULES OF PROCEDURE GOVERNING THESE CASES.

- (9) TO ISSUE A TEMPORARY ORDER FOR EMEPGENCY INJUNCTIVE RELIEF IN CASES INVOLVING DOMESTIC VIOLENCE AS PROVIDED IN AS 09.55.610.

STORY (SEC. 8(1) CH 184 SLA 1959; AM SEC. 1 CH 5 SLA 1960; AM SEC. 3 CH 24 SLA 1966; AM SEC. 6 CH 110 SLA 1967; AM SEC. 4 CH 139 SLA 1980)

601 \* END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

22.15.110 DOCUMENT= 1 OF 1 PAGE = 1 OF 2  
CHAPTER = 22.15  
SECTION = 22.15.110  
TITLE = 22

READINGS TITLE 22.  
JUDICIARY.  
CHAPTER 15.  
DISTRICT COURTS.  
ARTICLE 1.  
DISTRICT JUDGES AND MAGISTRATES.

CITATION SEC. 22.15.110.  
MATCH LINE

ADDITIONAL DUTIES OF DISTRICT JUDGE AND MAGISTRATE.  
EACH DISTRICT JUDGE AND MAGISTRATE SHALL

- (1) PERFORM THE DUTIES AND EXERCISE THE AUTHORITY OF CORONER AS PRESCRIBED BY LAW;
- (2) RECORD BIRTH, DEATH AND MARRIAGE CERTIFICATES PRESENTED TO THEM FOR RECORD IN THE MANNER PRESCRIBED BY LAW;
- (3) TAKE CUSTODY AND CONTROL OF AND PRESERVE THE PROPERTY AND ESTATE OF DECEASED PERSONS UNTIL A LEGAL CUSTODIAN IS APPOINTED;

22.15.110 DOCUMENT= 1 OF 1 PAGE = 2 OF 2

- (4) FILE WITH THE COMMISSIONER OF COMMERCE AND ECONOMIC DEVELOPMENT A COPY OF EACH CONVEYANCE RECORDED WHICH CONTAINS A STATEMENT THAT PROPERTY IS CONVEYED TO A NONRESIDENT ALIEN OR FOR THE BENEFIT OF A NONRESIDENT ALIEN.

HISTORY (SEC. 8(2) CH 184 SLA 1959; AM SEC. 4 CH 5 SLA 1960; AM SEC. 3 CH 24 SLA 1966; AM SEC. 8 CH 145 SLA 1975)

0601 \* END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

22.15.120 DOCUMENT= 1 OF 1 PAGE = 1 OF 3  
CHAPTER = 22.15  
SECTION = 22.15.120  
TITLE = 22

READINGS TITLE 22.  
JUDICIARY.  
CHAPTER 15.  
DISTRICT COURTS.  
ARTICLE 1.  
DISTRICT JUDGES AND MAGISTRATES.

STATION SEC. 22.15.120.

HATCH LINE

LIMITATIONS ON PROCEEDINGS WHICH MAGISTRATE MAY HEAR.

EXT A MAGISTRATE SHALL PRESIDE ONLY IN CASES AND PROCEEDINGS UNDER AS 22.15.040, 22.15.100, AND 22.15.110, AND AS FOLLOWS,

(1) FOR THE RECOVERY OF MONEY OR DAMAGES ONLY WHEN THE AMOUNT CLAIMED, EXCLUSIVE OF COSTS, INTEREST, AND ATTORNEY FEES, DOES NOT EXCEED \$1,000;

*22.15.040  
small  
claims - \$2,000*

(2) FOR THE RECOVERY OF SPECIFIC PERSONAL PROPERTY WHEN THE VALUE OF THE PROPERTY CLAIMED AND THE DAMAGES FOR THE DETENTION DO NOT EXCEED \$1,000;

22.15.120 DOCUMENT= 1 OF 1 PAGE = 2 OF 3

(3) FOR THE RECOVERY OF A PENALTY OR FORFEITURE, WHETHER GIVEN BY STATUTE OR ARISING OUT OF CONTRACT, NOT EXCEEDING \$1,000;

(4) TO GIVE JUDGMENT WITHOUT ACTION UPON THE CONFESSION OF THE DEFENDANT FOR ANY OF THE CASES SPECIFIED IN THIS SECTION, EXCEPT FOR A PENALTY OR FORFEITURE IMPOSED BY STATUTE;

(5) TO GIVE JUDGMENT OF CONVICTION UPON A PLEA OF GUILTY BY THE DEFENDANT IN A CRIMINAL PROCEEDING WITHIN THE JURISDICTION OF THE DISTRICT COURT;

(6) TO HEAR, TRY, AND ENTER JUDGMENTS IN ALL CASES INVOLVING MISDEMEANORS, IF THE DEFENDANT CONSENTS IN WRITING THAT THE MAGISTRATE MAY TRY THE CASE;

(7) TO HEAR, TRY AND ENTER JUDGMENTS IN ALL CASES INVOLVING INFRACTIONS UNDER AS 28 AND VIOLATIONS OF ORDINANCES OF POLITICAL SUBDIVISIONS;

(8) REPEALED BY SEC. 8 CH 110 SLA 1967.

ISTORY (SEC. 19 CH 184 SLA 1959; AM SEC. 5 CH 5 SLA 1960; AM SEC. 1 CH 85 SLA 1961; AM SEC. 2 CH 91 SLA 1961; AM SEC. 12 CH 70 SLA 1961; AM SEC. 3 CH 24 SLA 1966; AM SEC. 8 CH 110 SLA 1967; AM SECS. 18

22.15.120 DOCUMENT= 1 OF 1 PAGE = 3 OF 3  
- 20 CH 71 SLA 1972; AM SEC. 1 CH 65 SLA 1978)

END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

22.20.010 DOCUMENT= 1 OF 1 PAGE = 1 OF 1  
CHAPTER = 22.20  
SECTION = 22.20.010  
TITLE = 22

HEADINGS TITLE 22.  
JUDICIARY.  
CHAPTER 20.  
OFFICERS AND EMPLOYEES.  
ARTICLE 1.  
JUDICIAL OFFICERS.

CITATION SEC. 22.20.010.

CATCH LINE JUDICIAL OFFICER DEFINED.

TEXT THE TERM "JUDICIAL OFFICER" MEANS A SUPREME COURT JUSTICE,  
INCLUDING THE CHIEF JUSTICE, A JUDGE OF THE COURT OF APPEALS, A  
JUDGE OF THE SUPERIOR COURT, A DISTRICT JUDGE AND A MAGISTRATE.

HISTORY (SEC. 54-2-1 ACLA 1949; AM SEC. 3 CH 24 SLA 1966; AM SEC. 16 CH  
12 SLA 1980)

R0601 \* END OF DOCUML TS IN LIST - ENTER RETURN OR ANOTHER COMMAND.



## Trial Courts

State of Alaska

FIRST JUDICIAL DISTRICT

P. O. BOX 869

WRANGELL, ALASKA

99929

March 10, 1983

Senator Robert H. Ziegler, Sr.  
pouch V  
Juneau, Alaska 99811

Dear Senator Ziegler:

Enclosed are copies of a letter and Senate Bill 20 which were sent to each magistrate in the state. I am also enclosing copies of the information received from Alaska Court System fiscal officer Bob Fisher and Supreme Court Order No. 544 relating to magistrate salaries.

It seems the lack of enthusiasm for this bill is based on the thought that magistrates are not judges, per se, and an aversion to the administrative paperwork which would inevitably follow passage of the bill. We feel we are judges and would hazard a guess that most persons who have come before us would be of the same opinion. In support of our stand we offer the following:

Buckalew v Holloway 604 P2d 240 (1979)

Alaska Supreme Court determination that magistrates are "judges" within the meaning of Article IV, Section 4 of the Alaska Constitution.

AS 22.15.020

Number of district court judges and magistrates listed for the district court of each judicial district.

AS 22.15.100 and 22.15.110

Lists functions, powers and additional duties of district court judges and magistrates.

AS 22.15.120

Limitations on proceedings which a magistrate may hear.

AS 22.15.220(c)

Requirement that district judges and magistrates must file an affidavit monthly to receive salary.

AS 22.15.240

Appeals from magistrate judgments are handled the same as those from a district court judge judgment.

Senator Robert H. Ziegler, Sr.  
March 10, 1983  
Page Two

AS 22.20.010

Judicial officer defined. "The term 'judicial officer' means a supreme court justice, including the chief justice, a judge of the court of appeals, a judge of the superior court, a district court judge and a magistrate."

Criminal Rule 56(b)

Definitions. "Magistrate" includes magistrates, district court judges, superior court judges and any other judicial officer authorized by law to conduct a preliminary examination of a person accused of a crime.

Administrative Rule 21(b)

Requirement of magistrate to wear black judicial robe as do all other judges.

Administrative Rule 24(f)

Assignment of Judicial Officer. "In this rule, 'judicial officer' means a superior court judge, district court judge or magistrate."

Administrative Rule 28(b)

Judicial vacations and leave outlined for district court judges and magistrates.

AS 22.25.010(g)

Magistrates not included as "judges" under the judicial retirement system.

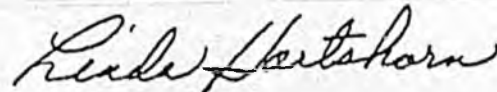
The last citation is the only one which excludes magistrates as judges. We feel the duties we perform are those of a district court judge with some jurisdictional limitations. We are on 24-hour call, as required by statute and rule, to perform "judicial" functions. Many of us sit as masters in superior court matters and are standing masters in children's cases.

I have copied those sections of the statutes and rules pertaining to jurisdiction, duties, etc., and would make these available to you if you so desire.

Mr. Van Doran has agreed to supply me with a copy of the fiscal note on this bill as soon as your office receives it. I spoke with Bob Fisher yesterday and he said the fiscal note should be in Juneau by tomorrow.

Thank you for your continued support of the magistrates.

Sincerely,



Linda Hartshorn  
Magistrate

THE SUPREME COURT OF THE STATE OF ALASKA  
ORDER NO. 544

Relating to Magistrate  
Salaries.

IT IS ORDERED:

Supreme Court Order No. 451 is rescinded and the following is adopted as the magistrate salary schedule:

1. There are established six salary levels for magistrate posts. The base annual salary for each level is as follows:

Magistrate I	\$10,161
Magistrate II	\$14,335
Magistrate III	\$20,430
Magistrate IV	\$31,291
Magistrate V	\$39,832
Magistrate VI	\$46,476

Geographic cost of living adjustments shall be provided in accordance with applicable statutes.

2. Each magistrate location has been assigned to a salary level based on the number of hours which the court system expects the magistrate at that location to work in order to accomplish the estimated court workload at that location. The minimum number of hours of work required of the magistrates in each salary level are as follows:

<u>Salary Level</u>	<u>Hours Per Week (annual average)</u>
Magistrate I	15
Magistrate II	20
Magistrate III	27.5
Magistrate IV	37.5
Magistrate V	37.5
Magistrate VI	37.5

This is an annual average of the weekly work hours. Seasonal variations in workload at certain locations will require the magistrates at those locations to work longer hours during some parts of the year and shorter hours during other parts of the year.

The salaries listed in section 1. above are for the number of hours per week listed in section 2. plus 24-hour on-call availability for emergencies. These salaries also include compensation for full-time attendance at all required training courses.

3. Magistrate positions are allocated to the salary levels as follows:

<u>Magistrate V</u>		
Kenai	Kodiak	Palmer
<u>Magistrate V</u>		
Glennallen	Sevard	Sitka

Magistrate IV

Barrow	Haines	Tok
Bethel	Kotzebue	Unalaska
Cordova	Nenana/Healy	Wrangell
Craig	Nome	
Dillingham	Petersburg	

Magistrate III

Cold Bay	Hoonah
Ft. Yukon	Naknek
Galena	Yakutat

Magistrate II

Aniak	Selawik	Skagway
Delta Jct.	Seldovia	

Magistrate I

Angoon	Kiana	Pt. Hope	Shungnak
Emmonak	McGrath	Sand Point	Tununak
Gambell	Hekoryuk	Savoonga	Unalakleet
Hooper Lay	Mt. Village	St. Mary	Whittier
Kaka	Noorvik	St. Paul Island	

4. Step increases.

A. Frequency and amount.

All magistrates are eligible for step increases of 3.5% annually for the first five years of their service. The procedure for granting step increases shall be patterned after that which applies to classified employees except that part-time magistrates will not be required to work 1,950 hours before being eligible to receive an annual raise. There will be a total of five steps of annual increases followed by longevity steps after the seventh, ninth, fourteenth and eighteenth years of continuous employment at one salary level.

If a magistrate's salary level is raised, the magistrate's salary step within the higher level will be determined by the same method used for classified employees (see Personnel Rule 6.02.03).

B. Criteria for receiving step increases.

1. Tenure - one year.
2. Written approval by presiding judge stating that the magistrate is performing adequately.
3. Passing scores on all correspondence courses required, for that level in that region of the state (required by either the presiding judge or the administrative director).

4. For Magistrates I through V: written verification by the presiding judge that the following are being adequately maintained:
  - a. dockets
  - b. indexes
  - c. library books (that is, that the Statutes, Administrative Code and Rules are kept up to date)
  - d. case files and the case numbering system
  - e. tape recordings of formal hearings and the binder for duplicate copies of all log notes
  - f. accounting records (receipts, revenue deposits, trust deposits, trust checks and proper recording of all accounting data on the case dockets)

C. Implementation.

All magistrates who are in office on January 1, 1981 will start at Step A of their designated salary level. The anniversary date for all such magistrates will be January 16. The anniversary date of all magistrates hired or promoted after January 1, 1981 will be the 16th of the month following their date of hire or promotion.

5. Review of Classification.

All magistrate positions shall be reviewed annually by the director of personnel to assure correct classification. These reviews shall be based on statistical evaluation of duties accomplished by each magistrate. The magistrate salary at every location must be re-evaluated by the director of personnel whenever a vacancy occurs. Vacancies may not be advertised until the salary for that position has been re-evaluated and any recommended changes for reclassification of the position have been approved by the chief justice.

6. Change in Classification.

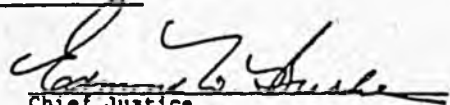
The director of personnel shall recommend to the chief justice salary increases based upon reclassification of magistrate positions after first conferring with the area court administrator and the presiding judge of the judicial district in which the magistrate is located. The director of personnel shall recommend to the chief justice that a magistrate position be refilled at a lower level upon the position becoming vacant, after first conferring with the area court administrator and presiding judge for that judicial district.

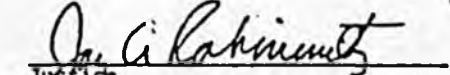
7. Compensation for part-time magistrates asked to do extra work.

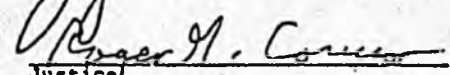
If a part-time magistrate (Levels I, II and III) is asked to serve in another court location to replace another magistrate or a district court judge for a period of time, the part-time magistrate must receive compensation for the additional hours worked.

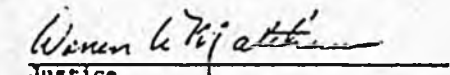
DATED: September 24, 1982

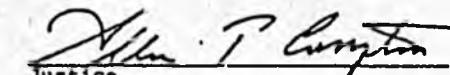
EFFECTIVE DATE: March 16, 1982

  
Chief Justice

  
Justice

  
Justice

  
Justice

  
Justice

March 9, 1983

Dear Fellow Magistrates:

As most of you know, the Association of Alaska Magistrates has had a bill in the legislature the past several years to include magistrates in the Judicial Retirement System. Senator Robert Ziegler has introduced Senate Bill 20 in the thirteenth legislature on our behalf. A copy of that bill is enclosed for your information.

The contribution rate under the Judicial Retirement System (JRS) is 7% as compared to the 4.25% we currently pay under the Public Employees Retirement System (PERS). Under SB 20, to receive credit for service as a magistrate prior to July 1, 1983, the magistrate must:

- 1) withdraw from PERS
- 2) receive a refund of contributions under PERS
- 3) elect to receive credit for service prior to July 1, 1983, and
- 4) make retroactive contributions for service as a magistrate after January 3, 1959.

Retroactive contributions may be set up as a payroll deduction over a reasonable period of time.

Following is my understanding of the differences between PERS as outlined in AS 39.35 and JRS as outlined in AS 22.25:

PERS - Contribution rate is 4.25% of base salary

Benefits paid:

- 1) Age 55 with 5 years of service; or
- 2) 30 years of service; or
- 3) Early retirement at 50 years of age and 5 years of service with adjustment for early retirement

Computation of benefits:

2% of average monthly wage for 3 high years times years of service  
PLUS COLA (if remain in Alaska) of \$50.00 or 10% of the benefit, whichever is greater  
PLUS medical insurance coverage

JRS - Contribution rate is 7% of base salary

Benefits paid:

- 1) Mandatory retirement at 70 years of age
- 2) Age 60 with 5 years of service
- 3) Early retirement at 55 years of age or 20 years of service with adjustment for early retirement

Computation of benefits:

5% for each year of service (up to 15 years or 75%) times base monthly wage paid incumbents at the time of the benefit payment  
PLUS medical insurance coverage

Please read the statutes cited above for further information on the two plans.

Examples of approximate monthly retirement benefits based on 5 years of service and current base monthly salaries are:

		<u>PERS</u>	<u>JRS</u>
Magistrate I	(15 hours/week)	\$ 84.60	\$211.50
Magistrate II	(20 hours/week)	119.40	298.50
Magistrate III	(27.5 hours, eek)	170.20	425.50
Magistrate IV	(37.5 hours/week)	260.70	651.75
Magistrate V	(37.5 hours/week)	331.90	829.75
Magistrate VI	(37.5 hours/week)	387.30	968.25

The information provided to me indicates that the average age of the magistrates is 42 years with an average length of service of 6.83 years. There are 49 positions authorized by Supreme Court Order No. 544 and they are distributed as follows:


Magistrate I	19
Magistrate II	5
Magistrate III	6
Magistrate IV	13
Magistrate V	3
Magistrate VI	3

The Senate Judiciary Committee has set up a teleconference with the magistrates at 11:30 A.M. on March 25, 1983 in Anchorage. They will hear testimony at that time from one or two magistrates but we ask that everyone attend, if possible. This was coordinated at our request and will determine if Senate Bill 20 goes from the Judiciary to the Finance Committee with a "do pass" recommendation.

We will have a meeting of the Association of Alaska Magistrates in the early part of the conference week and can discuss the issue further at that time. Please jot down any other issues you wish to discuss.

I look forward to seeing all of you at the conference. It promises to be a good experience with varied topics and beneficial discussion periods.

Sincerely,



Linda Hartshorn  
Secretary/Treasurer  
Association of Alaska Magistrates

Case No.	Class	Code	Magistrate	Level	Name	Rate	Salary	Other
418109	X017	AKA	MAGISTRATE	IV	HANSON	2,793	33,510	9.50
418111	X014	AKB	MAGISTRATE	IV	HARTSHORN	2,793	33,510	10.00
418110	X017	AKA	MAGISTRATE	IV	REDCEK	2,793	33,510	5.70
418101	X010	AEA	MAGISTRATE	III	DENNIS	1,702	21,144	4.50
418102	X019	CRB	MAGISTRATE	IV	HEINMILLER	2,687	31,644	14.70
418103	X010	AWA	MAGISTRATE	III	SAVLAND	1,885	23,020	11.50
418104	X010	AKR	MAGISTRATE	I	CHENEY	907	11,084	2.50
418105	X010	ARK	MAGISTRATE	I	VACANT	907	10,864	
418106	X017	CKA	MAGISTRATE	II	WORLEY	1,322	15,864	3.10
418107	X011	CDA	MAGISTRATE	II	GALLAGHER	1,322	15,864	4.30
418108	X010	ARD	MAGISTRATE	I	HWARD	907	10,884	2.30
412015	X017	HIA	MAGISTRATE	IV	VACANT	3,105	37,260	
418201	X014	MEA	MAGISTRATE	IV	KRUSS	3,429	41,148	5.50
418202	X014	KAA	MAGISTRATE	IV	SINKEY	3,429	41,148	5.50
418203	X010	JWB	MAGISTRATE	I	VACANT	1,152	13,624	
418204	X010	EWG	MAGISTRATE	I	KAMEROFF	1,121	13,452	11.50
418205	X010	MISA	MAGISTRATE	I	APANGALOOK	1,152	13,824	15.10
418206	X010	ESA	MAGISTRATE	I	NAPULEON	1,152	13,824	7.50
418207	X010	KBU	MAGISTRATE	I	HENRY	1,113	13,356	1.10
418208	X010	KBC	MAGISTRATE	I	HARVEY	1,113	13,356	2.40
418209	X010	KYA	MAGISTRATE	I	LISBOURNE	1,152	13,824	3.30
418210	X010	EWG	MAGISTRATE	I	ANDREWS	1,121	13,452	3.90
418211	X010	HSD	MAGISTRATE	I	GOLOGERGEN	1,152	13,824	4.50
418212	X017	KBA	MAGISTRATE	II	BALLOT	1,570	18,840	9.00
418214	X010	HUA	MAGISTRATE	I	ANAGICT	1,152	13,824	15.30
418215	X010	LXA	MAGISTRATE	I	VACANT	1,152	13,824	
418217	X015	EWD	MAGISTRATE	I	JEANS	1,121	13,452	11.20
418218	X010	KCA	MAGISTRATE	I	DOUGLAS	1,152	13,824	1.10
418310	X015	CAA	MAGISTRATE	VI	MCBRIDE	4,209	51,468	1.90
418302	X015	UQA	MAGISTRATE	VI	NICHOLAS	4,269	51,768	21.80
418303	X015	ECF	MAGISTRATE	VI	JOHNSON	4,148	49,776	3.70
418304	X020	USA	MAGISTRATE	V	PECK	3,070	44,132	7.50
418309	X014	DAA	MAGISTRATE	IV	ASHMAN	3,246	39,952	9.00
418307	X010	BIA	MAGISTRATE	III	HEIKER	2,173	26,316	10.50
418306	X015	DWA	MAGISTRATE	IV	WENTWORTH	3,070	36,912	7.10
418310	X020	HCE	MAGISTRATE	V	SPECKER	3,916	46,992	11.90
418312	X010	LKA	MAGISTRATE	III	SHANBACK	2,193	26,315	2.40
418313	X010	LEC	MAGISTRATE	I	RUKUVISHNIKOFF	1,091	13,092	6.30
418314	X015	HSD	MAGISTRATE	IV	HAKALA	1,091	13,092	4.30
418315	X010	CYA	MAGISTRATE	I	KASHEVAROFF	1,332	15,984	2.10
418317	X010	DSH	MAGISTRATE	I	HARRIS	905	11,580	
418319	X020	DBC	MAGISTRATE	I	VACANT	1,091	13,092	
418316	X010	MEA	MAGISTRATE	III	DOZIER	3,360	40,320	5.50

ASSOCIATION OF ALASKA MAGISTRATES

BOARD MEMBERS

First District

Linda Hartshorn, Secretary/Treasurer  
Box 869  
Wrangell, Alaska 99929 874-2311 or 874-3989

Marilyn Hanson  
P.O. Box 910  
Sitka, Alaska 99835 747-6271

Second District

Marie Beans  
Box 211  
Mt. Village, Alaska 99632 591-2149

Lowell Nagick  
Box 185  
Unalakleet, Alaska 99684 624-3015

Third District

Jess Nicholas  
Pouch I  
Kenai, Alaska 99611 283-3110

Sheldon Sprecker, President  
Box 86  
Glennallen, Alaska 99588 822-3405 or 822-3726

Brian Johnson  
Box 860  
Palmer, Alaska 99645 745-4284

Fourth District

Alice Lathrop  
Box 187  
Tok, Alaska 99780 883-5171

Barbara Macfarlane  
Box 41  
Healy, Alaska 99743 683-2213 or 683-2589

HB

2884

1 IN THE HOUSE

BY FULLER AND M.M.MILLER

2

HOUSE BILL NO. 284

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act designating the bowhead whale as the state  
7 marine mammal."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. LEGISLATIVE INTENT. By recognizing the bowhead whale as  
10 the state marine mammal, the legislature intends to give recognition [not  
11 only] to the grace, strength, and beauty of this inhabitant of the arctic  
12 [but also to the respectful hunting practices of the residents of the north  
13 coast of Alaska, whose wise use of the bowhead whale for generations is an  
14 example of conservation for all Alaskans.]

15 \* Sec. 2. AS 44.09 is amended by adding a new section to read:

16 ~~Sec. 4-09-120,~~ STATE MARINE MAMMAL. The bowhead whale is the  
17 state marine mammal.

change to 44.09.015

HB 284

"An Act designating the bowhead whale as the state marine mammal"

PROPOSED AMENDMENT

Line 16 - Delete Sec. 44.09.120 (comes after State mineral)  
Add: Sec. 44.09.075 (comes after State tree and before State fish)

Also:

Ask Guy Oliver about harvesting practices regarding line 12 and line 13

HB 284

9.040

§ 44.09.045

STATE GOVERNMENT

§ 44.09.110

Alaska's flag. May it mean to you  
 The blue of the sea, the evening sky,  
 The mountain lakes, and the flow'rs nearby;  
 The gold of the early sourdough's dreams,  
 The precious gold of the hills and streams;  
 The brilliant stars in the northern sky,  
 The "Bear" — the "Dipper" — and, shining high,  
 The great North Star with its steady light,  
 Over land and sea a beacon bright. .  
 Alaska's flag — to Alaskans dear,  
 The simple flag of a last frontier.

(§ 1 ch 6 SLA 1955)

Sec. 44.09.045. State motto. The official motto of the State of Alaska is: North to the Future. (§ 1 ch 36 SLA 1967)

Sec. 44.09.050. State flower. The wild native forget-me-not is the state flower and floral emblem. (§ 1-1-5 ACLA 1949)

Sec. 44.09.060. State bird. The Alaska Willow Ptarmigan (*Lagopus lagopus alascensis* Swarth) is the official bird of the state. (§ 1 ch 1 SLA 1955)

Sec. 44.09.070. State tree. The Sitka spruce (*picea sitchensis*), which is recognized as the most valuable tree species in Alaska and which is found in both national forests of the state, is the official tree of the state. (§ 1 ch 12 SLA 1962)

Add:

Sec. 44.09.075

Sec. 44.09.080. State fish. The king salmon (*Oncorhynchus tshawytscha*) is the official fish of the state. (§ 1 ch 20 SLA 1963)

Sec. 44.09.085. State sport. Dog mushing is the official sport of Alaska. (§ 1 ch 38 SLA 1972)

Sec. 44.09.090. State medal for heroism. (a) The governor is authorized to award a state medal for heroism directly or posthumously to any citizen of the state in recognition of a valorous and heroic deed performed by him in the saving of a life or for injury or death or threat of injury or death incurred by him in the service of the state or his community or on behalf of the health, welfare or safety of other persons. The medal shall be awarded by the governor with an appropriate ceremony.

(b) The governor shall make arrangements for the designing of the medal for heroism through a statewide design competition participated in by the school children of the state. (§ 1 ch 12 SLA 1965)

Sec. 44.09.100. State gem. Jade is the official state gem. (§ 1 ch 51 SLA 1968)

Sec. 44.09.110. State mineral. Gold is the official state mineral. (§ 1 ch 50 SLA 1968)

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HB

2008

HB 288

"An Act making a supplemental appropriation to the Older Alaskans Commission;  
and providing for an effective date"

QUESTION:

This bill provides for any unexpended monies to lapse into the general fund.  
Have they ever done this?

OR

Have they ever had to ask for supplemental funding during a fiscal year?

# Dillingham Senior Citizens' Center



TO: Representative Mitch Abood  
 Chairman  
 House State Affairs Committee  
 Alaska State Legislature  
 Pouch V (MS 3100)  
 Juneau, Alaska 99811

FROM: City of Dillingham  
 Dillingham Senior Citizens Center  
 Senior Citizens' Advisory Board

Members: David B. Carlson, Chairman *David B. Carlson*  
 Joe Scandura  
 Olaf T. Hansen, Sr.  
 Mary Shade  
 John Nicholson  
 Dr. John Libby

RE: House Bill 288 for \$600,000 Supplemental Appropriation  
 to the Older Alaskans Commission

DATE: April 5, 1983

We urge you to support the supplemental appropriation request from the Older Alaskans Commission. We wish to continue our services to the elders of Dillingham and surrounding Bristol Bay villages at the current level of operation. We support HB 288 because the Older Alaskans Commission did not have funds in their budget to continue the Dillingham Senior Citizens Center programs at their current level. The legislative appropriation that the Dillingham Senior Citizens Center received last year was not continued. Thank you for support on this important matter.

cc. *Sen. Mulcahy*  
*Rep. Herrmann*

STATE OF ALASKA  
FISCAL NOTE

Revision Date . 1983

I. REQUEST

Bill/Resolution No.: HB 288  
 Title: "An Act making a supplemental approp. to the OAC"  
 Sponsor: Furnace  
 Requestor: Furnace

II. FISCAL DETAIL

Agency Affected: ADMINISTRATION  
 Program Category Affected: Social Economic  
 BRU, Program of Subprogram(s) Affected: Account for the ag  
 Older Alaskans Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC	-0-	\$600.0				
<b>TOTAL OPERATING</b>	-0-	\$600.0				
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	\$600.0				
FEDERAL FUNDS						
OTHER (Specify Source)	-0-	\$600.0				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not identified by the sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Jon B. Wolfe *Jon B. Wolfe* Phone: 465-3250  
 Division: Older Alaskans Commission Date: April 6, 1983  
 Approved by Commissioner: *[Signature]* Date: 4/12/83  
 Department: Administration

Distribution:

Original to Legislative Finance  
 Copy to Office of Management and Budget (for Legislature introduced bills)  
 Copy to Department (for Governor introduced bills)  
 Copy to Sponsor

#### IV ANALYSIS

The proposed supplement would be used entirely as grants for services. No additional state administrative costs are budgeted. Legislative intent programs were funded through the Division of Adult and Aging Services (now Older Alaskans Commission) in SFY 82. Continuation of these programs had been sought but the Commissions continuation level was cut in SFY 83. Therefore, the 1982 programs have not been continued with the exception of those that did not expend their funds in SFY 82 and one which received an F.B.I.F. award. Our estimate of the awards based upon the amount of the original intent grants is as follows:

Dillingham Senior Center	\$298,458
Older Persons Action Group (statewide)	53,745
City of Tanana Residential Care Program	<u>247,797</u>
	\$600,000

These amounts will be subject to local match and may not represent the total operating or services budgets. It is expected that the agencies request for continued operation will exceed the above amounts and that actual award will be contingent upon acceptance of each budget and scope of proposed services.

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

### OLDER ALASKANS COMMISSION

HB 288  
BILL SHEFFIELD, GOVERNOR

POUCH C, M.S. 0209  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3250

March 4, 1983

Mr. Bob Speed  
Office of Rep. Mike M. Miller  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Speed:

I am writing in the attempt to answer your questions concerning the Commissions budget. The Older Alaskans Commission determined the need for \$600,000 in supplemental funds to meet service needs in SFY 83. At this time it would be very difficult to expend these funds by June 30. Because of this and due to the fact that our grants are awarded on a calendar year basis. any supplemental should be either carried over into SFY 84 or divided into two supplements over the two fiscal years. The amount to be divided varies as we approach the end of the current year.

By any analysis or criteria this supplement and more can be justified. The following may assist in this regard.

1. Federal funds to the Commission were cut in SFY 82 by \$84,307. Notification of this cut came only three short months prior to the end of the fiscal year upon which grants were awarded. Therefore, aging services had to "absorb" this cut in a short period of time rather than spread it throughout the grant year.
2. Legislative intent programs were funded in SFY '81, '82 and '83 (listed separately). Continuation of these funds has been requested in the Commission's budgets, but have not been approved. For example, continuation level was cut \$45,000 (a cut of 16.5% of state general funds) in SFY 83. Therefore, the '81 and '82 programs have not been continued with the exception of those that did not expend their funds in SFY 82. These awards were encumbered permitting programs to operate through June 30, 1983. However, the Commission budget still does not contain these funds nor does it contain funds awarded in FBIF grants. Continuation of these programs in SFY 84 can only come at the further expense of other operating programs unless additional resources are made available.

For example, the Older Alaskans Commission received an unsolicited request for funds on February 28 from the City of Tanana to continue the SFY 1982 legislative intent of \$225,000. The current request is for \$279,461. In the current year ending June 30, state funds awarded to five programs in the entire Interior region totalled only \$156,270.

At the current continuation level this amount will increase to \$165,646 (6%). Tanana's request can not be met even if all other programs in the interior were eliminated.

3. The amount of requested funds for services has exceeded the amount available to the Commission by nearly \$2.4 million just in the past seven months!

Funds requested in the Anchorage area alone during the past seven months exceeded the amount awarded by \$155,229. This amount does not include statewide programs located in Anchorage (OPAG and Alaska Legal Services). These would add an additional "shortfall" of \$228,748.

4. The Older Alaskans Commission programs are cost effective. In the most recent quarter (October - December 1982) reported to the Commission 10,445 persons were served by one or more Commission funded projects. This represents 53% of the 19,643 Alaskans 60 and older (1980 Census). Of those served; 29.7% were minority, 74.8% economically needy, and 86% socially needy. In SFY '82 the average annual cost of services (other than Senior Employment) per person served was \$350 including state administrative costs!
5. Local cash and in-kind funds including public and private resources currently provide significant support to aging services. In SFY '82 local match represented contributions of \$1,656,269. Seniors themselves contributed an additional \$187,636.
6. The Commission applied for FBIF funds for Title III programs in the amount of \$303,945. \$100,000 was awarded. However we have been informed that the attorney general has issued an opinion that FFY '82 was to be used as the base year. Funds lost in FFY '83 only can be applied. Therefore, we must return the \$100,000 in spite of the previously mentioned loss in FFY '82 of \$84,307.
7. Since 1978 our analysis shows that the state has committed \$11.5 million in bonds and legislative appropriations for the construction of senior centers and equipment acquisitions. These expenditures have resulted in increased demand for grants for operations, maintenance, and services which has never been considered in the Commission's budget. Over eleven new centers are or will become operational this year and more are being proposed. Every new center represents an average annual fiscal impact upon the OAC of \$250,000.
8. Thorough analysis of the Older Alaskans Commission budget should go beyond the actual budget to look at operating level. Due to the carryover of federal funds in the past the Commission, then Adult and Aging Services, had built up a considerable amount of funds. These were expended in SFY 82. This impacted the Commission in its first year of existence by creating an operating level shortfall of \$307,120.

Mr. Bob Speed  
March 4, 1983

Page 3

By any measure a \$600,000 supplement is conservative for it alone will not prevent a further tightening of the belt. If granted we trust that means may be employed to assure continuation. If that is not done we will continue to have operating level problems.

Please let me know if this does not answer your questions.

Sincerely,

A handwritten signature in cursive script that reads "Dove M. Kull". The signature is written in dark ink and is positioned above the typed name.

Dove M. Kull  
Legislative Chair  
Older Alaskans Commission

Mr. Bob Speed  
March 4, 1983

# STATE OF ALASKA

Legislative Intents

## DEPARTMENT OF ADMINISTRATION

### SFY 81

#### OLDER ALASKANS COMMISSION

Kodiak	Homemaker	\$ 32,000
Anchorage	O.P.A.G.	30,000
Anchorage	Senior Voice	30,000
Anchorage	Med Alert	70,000
	Total	<del>162,000</del>
		\$162,000

White House Conference on Aging (one time award - next conference in 1991) \$100,000

### SFY 82

Dillingham	Start Up	\$271,000
Anchorage	O.P.A.G. (operations)	48,800
Tanana	Residential Care	225,000
Tok	Rent	6,000
	Total	\$550,800

### SFY 83

Legislative Intents to OAC -	- 0 -
RSA from DHSS (Anchorage Med Alert)	\$144,000
FBIF - Title III *	100,000
FBIF - Title V Senior Employment	92,400
FBIF - O.P.A.G.	60,900
Total	\$397,300

\* Will probably not be awarded. See item 6 in letter.

OLDER ALASKANS COMMISSION  
Requests and Awarded Grants for 1982/83

	7/1/82 - 6/30/83 AS 47.65		1/1/83 - 12/31/83 Title III	
	<u>Requested</u>	<u>Funded</u>	<u>Requested</u>	<u>Funded</u>
<u>Statewide Applications:</u>				
oster Grandparents/Sr.Comp.	\$131,750	\$33,000		
.P.A.G. (Anchorage)	197,410	64,680		
.P.A.G. I & R			\$46,094	\$27,878
.P.A.G. Directory			45,575	- 0 -
laska Legal Services	111,646	79,419		
niversity of Alaska	27,582	- 0 -		
. of A. - Aging Together in AK		9,113		
 <u>Anchorage Area:</u>				
hugiak, Chugiak Senior Citizens	\$54,200	54,200	\$182,776	\$150,100
anchorage Com.Mental Health Cent.	51,880	47,098		
anchorage Multipurpose Sr.Cent.	61,934	44,278	26,933	17,977
anchorage, Salvation Army	50,000	- 0 -	795,898	759,139
abel T. Caverly Sr. Center			129,170	124,770
 <u>Interior Region:</u>				
ity of Galena			\$15,000	- 0 -
elta Junction, Delta Seniors			36,295	\$18,148
linto Village Council			55,102	26,561
enana Tortella Council on Aging	\$51,312	\$44,020	13,048	11,103
airbanks, N.Star Council on Ag.	47,943	47,943	229,498	201,562
ok, Upper Tanana Dev. Corp.	43,000	35,000	204,820	193,015
airbanks Native Association	12,975	12,975		
icGrath/Anvik	16,332	16,332		
 <u>Southwest Region:</u>				
illingham, B.B.N.A.	\$99,209	- 0 -*	73,599	50,376
and Point, Shumagin Corporation	6,969	- 0 -		
ity of Bethel	162,609	41,348	112,298	106,325
leutian-Pribilof Islands	100,000	- 0 -		
ity of Dillingham			155,269	- 0 -
Reserved:				\$78,000
 <u>Southcentral Region:</u>				
ity of Kenai	\$9,710	\$5,086	130,607	120,300
omer, Homer Senior Citizens	60,824	35,000	68,318	21,879
ity of Cordova	24,228	20,000	70,639	65,039
eward, Seward Senior Citizens	30,743	14,000	8,146	- 0 -
inilchik, Ninilchik Sr.Citizens	27,452	- 0 -		
orth Pacific Rim Native Assn.	66,649	- 0 -		
odiak, Sr.Citizens of Kodiak	96,739	65,243	100,000	94,370
almer, Palmer Senior Citizens	93,874	57,188	176,214	124,537
asilla, Wasilla Area Services	141,371	36,468	146,091	98,517
anchorage, C.I.N.A.	173,517	- 0 -		
opper River, C.R.N.A.	19,758	- 0 -	129,249	122,545

\* Funded \$50,000 under Title III 6-month continuation ending 12/31/82

	AS 47.65		Title III	
	<u>Requested</u>	<u>Funded</u>	<u>Requested</u>	<u>Funded</u>
<u>Southeast Region:</u>				
S.E. AK Regional Health Corp.	\$179,999	\$102,645		
Catholic Community Services	322,201	150,000	1,096,706	934,504
City of Skagway			34,122	- 0 -
Metlakatla Indian Community	6,500	6,500	111,268	82,467
S.E. AK Community Action Program	40,000	- 0 -		
Juneau, Alaska Legal Services	75,688	- 0 -		
J.A.J.			33,525	- 0 -
<u>Northwestern Region:</u>				
Stebbins	\$16,634	\$16,634		
Nome Community Center			110,720	88,620
North Slope Borough			130,202	- 0 -
St. George's-in-the-Arctic (Maniilaq Assn) \$30,000 of AS 47.65 transferred		<u>30,000</u>	<u>22,214</u>	<u>- 0 -</u>
	\$2,612,638	\$1,068,170	\$4,489,396	\$3,439,732

Legislative Intent:

Fairbanks, Tanana Chiefs Conference \$225,000  
City of Dillingham 271,000

Transfer of Title III - 7/1/82:

City of Dillingham \$38,408

Title III Reserves - 1/1/83:

\$129,035 held in reserve for the Northwest Region

\$78,000 held in reserve for Dillingham

OLDER ALASKANS COMMISSION  
Title III 6-month Continuation Awards  
July 1, 1982 - December 31, 1982

Anchorage Area:

Mabel T. Caverly	\$37,595
Municipality of Anchorage	70,490
O.P.A.G. - I & R	16,500
Salvation Army - Wasilla	38,304
Salvation Army - Anchorage	353,082
Chugiak Senior Citizens	76,316

Northwest Region:

Barrow Senior Citizens	\$65,101
Kotzebue - St. George's	11,206
Nome Community Center	66,258

Southwest Region:

City of Bethel	\$23,334
Dillingham - B.B.N.A.	50,000
City of Dillingham	38,408

Southcentral Region:

Copper River Native Assn.	\$61,037
City of Cordova	31,401
Homer Senior Citizens	13,300
City of Kenai	66,930
Kodiak Senior Citizens	46,459
Palmer Senior Citizens	66,675
Seward Senior Citizens	8,335

Interior Region:

Delta Junction - Delta Seniors	\$6,238
Fairbanks, N.Star Council on Ag.	106,656
Minto Village Council	27,551
Nenana Tortella Council on Aging	5,217
Tok - Upper Tanana Dev. Corp.	102,409

Southeast Region:

Juneau - Catholic Comm. Services	\$462,399
Metlakatla Indian Community	52,879

Total	\$1,905,082
-------	-------------

HB

289

Alaska  
MUNICIPAL  
League

TELEPHONES  
(907) 586-1325  
586-6526

204 N. FRANKLIN ST.  
JUNEAU, ALASKA 99801

March 31, 1983

To: House State Affairs  
From: Ginny Chitwood, Executive Director *g.c.*  
Re: HB 289 - Opening Polls at 7:00 a.m.

The Alaska Municipal League opposes HB 289 based on recommendations from the municipal clerks who say that experience has shown that extension of polling hours has not increased voter turnout and has been costly. We are presently checking with clerks who are meeting this week in Anchorage to find out which municipalities have tried poll hour extensions and the individual results.

LEGISLATION, ELECTIONS AND CONSTITUTIONS

Table 6  
POLLING HOURS: GENERAL ELECTIONS

<i>State or other jurisdiction</i>	<i>Polls open</i>	<i>Polls close</i>	<i>Notes on hours</i>
Alabama .....	8 a.m.	6 p.m.	Opening and closing times not mandatory; polls must be open at least 10 consecutive hours.
Alaska .....	8 a.m.	8 p.m.	.....
Arizona .....	6 a.m.	7 p.m.	.....
Arkansas .....	8 a.m.	7:30 p.m.	Polls may open at 7 a.m.
California .....	7 a.m.	8 p.m.	(Charter cities may set different hours for municipal elections.)
Colorado .....	7 a.m.	7 p.m.	.....
Connecticut .....	6 a.m.	8 p.m.	.....
Delaware .....	7 a.m.	8 p.m.	.....
Florida .....	7 a.m.	7 p.m.	.....
Georgia .....	7 a.m.	7 p.m.	In cities of 300,000 or more, polls remain open until 8 p.m.
Hawaii .....	7 a.m.	6 p.m.	Voters standing in line at 6 p.m. may vote. No one may join line after 6 p.m.
Idaho .....	8 a.m.	8 p.m.	Polls close 8 p.m. or earlier when all registered electors of the precinct have appeared and voted. County clerk has option of opening polls at 7 a.m.
Illinois .....	6 a.m.	7 p.m.	.....
Indiana .....	6 a.m.	6 p.m.	.....
Iowa .....	7 a.m.	9 p.m.	.....
Kansas .....	7 a.m.	7 p.m.	Hours may be changed by election authorities, but polls must be kept open at least 12 consecutive hours between 6 a.m. and 8 p.m.
Kentucky .....	6 a.m.	6 p.m.	Persons in line may vote until 7 p.m.
Louisiana .....	6 a.m.	8 p.m.	Persons in line at 8 p.m. are entitled to vote.
Maine .....	Between 6 a.m. & 10 a.m.	Between 8 p.m. & 9 p.m.	Only municipalities using voting machines have the option of staying open until 9 p.m.
Maryland .....	7 a.m.	3 p.m.	.....
Massachusetts .....	May open as early as 5:45 a.m.; must be opened by 10 a.m.	8 p.m.	In cities and towns, the polls shall be kept open at least 10 hours.
Michigan .....	7 a.m.	8 p.m.	.....
Minnesota .....	7 a.m.	8 p.m.	Municipalities of less than 1,000 may establish hours of 9 a.m. to 8 p.m.
Mississippi .....	7 a.m.	6 p.m.	.....
Missouri .....	6 a.m.	7 p.m.	.....
Montana .....	8 a.m. 12 p.m.	8 p.m. 8 p.m. or earlier when all registered in any precinct have voted.	In precincts of less than 100 registered voters.
Nebraska .....	7 a.m. 8 a.m.	7 p.m. 8 p.m.	Mountain Time Zone. Central Time Zone.
Nevada .....	7 a.m.	7 p.m.	.....
New Hampshire .....	Varies	Varies	Cities: Polls open not less than 4 hours and may be opened not earlier than 6 a.m. nor later than 8 p.m. Small towns: In towns of less than 700 population the polls shall be open not less than 5 consecutive hours. On written request of 7 registered voters the polls shall be kept open until 6 p.m. In towns of less than 100 population, the polls shall close if all on the checklist have voted. Other towns: Polls shall open not later than 10 a.m. and close not earlier than 6 p.m. On written request of 10 registered voters the polls shall be kept open until 7 p.m.
New Jersey .....	7 a.m.	8 p.m.	.....
New Mexico .....	8 a.m.	7 p.m.	.....
New York .....	6 a.m.	9 p.m.	.....
North Carolina .....	6:30 a.m.	7:30 p.m.	In voting precincts where voting machines are used, county board of elections may permit closing at 8:30 p.m.
North Dakota .....	Between 7 a.m. & 9 a.m.	Between 7 p.m. & 9 p.m.	.....
Ohio .....	6:30 a.m.	7:30 p.m.	.....
Oklahoma .....	7 a.m.	7 p.m.	.....
Oregon .....	8 a.m.	8 p.m.	.....
Pennsylvania .....	7 a.m.	8 p.m.	.....
Rhode Island .....	Between 7 a.m. & 12 noon	9 p.m.	.....

*State or other jurisdiction*  
 South Carolina ..  
 South Dakota ..  
 Tennessee ..  
 Texas ..  
 Utah ..  
 Vermont ..  
 Virginia ..  
 Washington ..  
 West Virginia ..  
 Wisconsin ..  
 Wyoming ..  
 Dist. of Col. ..  
 American Samoa ..  
 Guam ..  
 Puerto Rico ..

## ELECTIONS

<i>State or other jurisdiction</i>	<i>Polls open</i>	<i>Polls close</i>	<i>Notes on hours</i>
South Carolina .....	8 a.m.	7 p.m.	Lancaster County is allowed to keep polls open until 8 p.m.
South Dakota .....	7 a.m. 8 a.m.	7 p.m. 8 p.m.	Mountain Time Zone. Central Time Zone.
Tennessee .....	Varies.	8 p.m. EST 7 p.m. CST	Polls must be open minimum of 10 and maximum of 13 continuous hours.
Texas .....	7 a.m.	7 p.m.	In counties of more than one million population the polls may be opened at 6 a.m.
Utah .....	7 a.m.	8 p.m.	.....
Vermont .....	Between 6 a.m. & 10 a.m.	Not later than 7 p.m.	Polls must be open at least 9 consecutive hours during the day.
Virginia .....	6 a.m.	7 p.m.	.....
Washington .....	7 a.m.	8 p.m.	.....
West Virginia .....	6:30 a.m.	7:30 p.m.	.....
Wisconsin .....	7 a.m. 9 a.m.	8 p.m. 8 p.m.	1st, 2nd and 3rd class cities. 4th class cities, villages and towns. Opening hours extendable by governing body to not earlier than 7 a.m.
Wyoming .....	8 a.m.	7 p.m.	.....
Dist. of Col. ....	7 a.m.	8 p.m.	.....
American Samoa .....	6 a.m.	6 p.m.	.....
Guam .....	8 a.m.	8 p.m.	.....
Puerto Rico .....	9 a.m.	3 p.m.	.....

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B

301



INTERIM OFFICE:  
1024 WEST SIXTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 274-2843

IN SESSION:  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4963

# Alaska State Legislature



Representative Mitch Abood  
CHAIRMAN

## House Committee on State Affairs

### AGENDA

DATE: 4/11

TIME: 1:00 P.M., ROOM 102

I. CALL THE MEETING TO ORDER

A. NOTE THE COMMITTEE MEMBERS PRESENT AND WELCOME THOSE OBSERVING THE MEETING.

B. REMIND THOSE WHO HAVE NOT SIGNED-IN TO DO WHO WISH TO TESTIFY, AND REMIND THOSE GIVING TESTIMONY TO SPEAK UP AND STATE THEIR NAME, ADDRESS AND PHONE NUMBER BEFORE TALKING.

II. ANNOUNCE LEGISLATION UNDER CONSIDERATION:

46 HB 279 - AN ACT AUTHORIZING PARTICIPATION BY MAGISTRATES IN THE JUDICIAL RETIREMENT SYSTEM.

1 HB 301 AN ACT MAKING A SPECIAL APPROPRIATION FOR PAYMENT OF 83 PERMANENT FUND DIVIDENDS

3 HB 164 AN ACT PROVIDING FOR THE DISTRIBUTION OF ALASKA PERMANENT FUND INCOME TO MUNICIPALITIES AND UNINCORPORATED COMMUNITIES; REPEALING THE PERMANENT FUND DIVIDEND PROGRAM

OTHER NOTES OR REMINDERS:

2 DRAFT CS ON HB 284, RE; BOWHEAD WHALE READY!!!! (PLEASE HEAR FIRST) NOT ON CALENDAR. OLD BUSINESS HB 164.

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I. REQUEST

Bill/Resolution No: HB 301  
 Title: Appropriation for 1983 PFD's  
 Sponsor: Adams  
 Requestor: \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected: Revenue  
 Program Category Affected: General Govt.  
 BRU, Program of Subprogram(s) Affected:  
Admin. Svc., Enforcement, Public Services,  
Treasury

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING:</b>						
100 PERSONAL SERVICES	-0-	1,666.8	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	116.7	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	1,061.5	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	13.7	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	125.0	-0-	-0-	-0-	-0-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS, ETC.	-0-	180,881.3	-0-	-0-	-0-	-0-
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>183,865.0</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>CAPITAL</b>						
	-	-	-	-	-	-
<b>REVENUE</b>						
	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (Specify Source) PFD-F	-0-	183,865.0	-0-	-0-	-0-	-0-
	-	-	-	-	-	-

POSITIONS:

FULL-TIME	-0-	34	-0-	-0-	-0-	-0-
PART-TIME	-0-	31	-0-	-0-	-0-	-0-
TEMPORARY	-	-	-	-	-	-
	-	-	-	-	-	-

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

The assumption is that the operating costs for the Permanent Fund Dividend distribution is an allocation of the \$183,865.0 appropriation.

IV. ANALYSIS: Attach a separate page for any Analysis.

Prepared By: William E. Jank  
 Division: Administrative Services

Phone: 465-2336  
 Date: 4/7/83

Approved by Commissioner: \_\_\_\_\_  
 Department: Revenue

Date: \_\_\_\_\_

Distribution: COPY TO REQUESTOR

Original to Legislative Finance  
 Copy to Office of Management and Budget (for Legislature introduced bills)  
 Copy to Department (for Governor introduced bills)

Alaska Department of Revenue

Fiscal Notes to HB 301

Fiscal note A assumes that the operating costs for the Permanent Fund Dividend payments will be an allocation from the \$183,865,000 appropriated by HB 301.

Fiscal note B assumes that the operating costs will be an appropriation from the General Fund to be added to the BRU's involved in the distribution program and that the Dividends will be paid out of the \$183,865,000.

The back up information for the two fiscal notes is identical.

IV. ANALYSIS

An allocation to Department of Health and Social Services should also be considered to fund payments of "hold harmless" for Public Assistance recipients.

ADMINISTRATIVE SERVICES

	Col. 1	Col. 2	Col. 3	Col. 4	Col. 5
	FY 84 EBB 1 VERSION	PFD RESIDUAL <sup>1</sup>	SUBTOTAL (COL. 1 LESS COL. 2) <sup>2</sup>	CONTINGENT PFD OPERATING <sup>3</sup>	TOTAL FY 84 CONTINGENT REQUEST
<b>FUNDING</b>					
100 Personal Services	1,506.0	(80.0)	1,426.0	677.2	2,103.2
200 Travel	19.4		19.4		19.4
300 Contractual	1,181.5		1,181.5	447.8	1,629.3
400 Commodities	17.5		17.5	2.2	19.7
500 Equipment	5.0		5.0	125.0	130.0
<b>TOTAL</b>	<b>2,729.4</b>	<b>(80.0)</b>	<b>2,649.4</b>	<b>1,252.2</b>	<b>3,901.6</b>
<b>STAFFING</b>					
PFT			34	6	40
PPT			5	14	19
TEMPORARY			17		17
MM			526	174.8	700.8

<sup>1</sup> Denotes the balance left by OMB in the operating budget to handle the completion of the FY 82 distribution and the trust accounting in FY 84, assuming repeal

<sup>2</sup> This column represents the BRU operating budget request with neither funds nor positions for PFD

<sup>3</sup> This column represents the contingent funding and positions considered necessary for administering the PFD program in FY 84, assuming an on-going program

PUBLIC SERVICE

	Col. 1	Col. 2	Col. 3	Col. 4	Col. 5
	FY 84 EBB 1 VERSION	PFD RESIDUAL <sup>1</sup>	SUBTOTAL (COL. 1 LESS COL. 2) <sup>2</sup>	CONTINGENT PFD OPERATING <sup>3</sup>	TOTAL FY 84 CONTINGENT REQUEST
<b>FUNDING</b>					
100 Personal Service	838.0	(60.0)	778.0	425.7	1,203.7
200 Travel	60.2		60.2	68.9	129.1
300 Contractual	712.6		712.6	360.6	1,073.2
400 Commodities	11.1		11.1	3.2	14.3
500 Equipment					
<b>TOTAL</b>	<b>1,621.9</b>	<b>(60.0)</b>	<b>1,561.9</b>	<b>858.4</b>	<b>2,420.3</b>
<b>STAFFING</b>					
PFT			27	6	33
PPT			1	16	17
MM			328	166	494

<sup>1</sup> Denotes the balance left by OMB in the EBB 1 to handle the completion of the FY 82 distribution program in FY 84, assuming repeal

<sup>2</sup> This column represents the BRU operating budget request with neither funds nor positions for PFD

<sup>3</sup> This column represents the contingent funding and positions considered necessary for administering the PFD program in FY 84, assuming an on-going program

**ENFORCEMENT**

	Col. 1	Col. 2	Col. 3	Col. 4	Col. 5
	<u>FY 84 EBB 1 VERSION</u>	<u>PFD RESIDUAL<sup>1</sup></u>	<u>SUBTOTAL COL. 1 LESS COL. 2)<sup>2</sup></u>	<u>CONTINGENT PFD OPERATING<sup>3</sup></u>	<u>TOTAL FY 84 CONTINGENT REQUEST</u>
<b>FUNDING</b>					
100 Personal Services	1,068.0	(80.0)	988.0	724.6	1,712.6
200 Travel	54.9		54.9	43.5	98.4
300 Contractual	116.2		116.2	157.7	273.9
400 Commodities	7.1		7.1	5.1	12.2
500 Equipment	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
<b>TOTAL</b>	<b>1,246.2</b>	<b>(80.0)</b>	<b>1,166.2</b>	<b>930.9</b>	<b>2,097.1</b>
<b>STAFFING</b>					
PFT			55	21	56
MM			420	252	672

<sup>1</sup> Denotes the balance left by OMB in the EBB 1 to handle the completion of the FY 82 distribution program, assuming repeal

<sup>2</sup> This column represents the BRU operating budget request with neither funds nor positions for PFD

<sup>3</sup> This column represents the contingent funding and positions considered necessary for administering the PFD program in FY 84, assuming an on-going program